

## **Title 17**

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\*Note: originally adopted under the title of “Zoning”.

\*\*Note: renumbered on codification; originally numbered as (existing) Ch. 17.15, under Ord. No. 1179, 2002.

\*\*\*Note: Chs. 17.112 to -.114 LCC, of Ordinance No. 1178 (Forest Practices), have not been implemented and have not been codified pending completion of review and approval by the state departments of Natural Resources and Ecology, pursuant to RCW 76.09.240.

Codifier’s Note: Resol. No. 99-515, transferred the Public Services Dept. community development division into the Dept. of Community Development, and the public works division into the Dept. of Public Works; environmental services was transferred to the Department of Health and Social Services. Where noted, the text of this Title has been corrected to reflect departmental reorganizations.

## **PURPOSE AND GUIDELINES**

### **Chapter 17.05**

#### **GENERAL PROVISIONS**

##### Sections:

- 17.05.010 Statutory authority
- 17.05.020 Statement of purpose.
- 17.05.030 Interpretation and conflict.
- 17.05.040 Vesting of permits.
- 17.05.045 Contents of application.
- 17.05.050 Administrative responsibilities.
- 17.05.060 Title.
- 17.05.070 Application.
- 17.05.080 Establishment of districts.
- 17.05.090 Adoption of district zoning maps.
- 17.05.100 Notice.

##### **17.050.010 Statutory authority.**

This ordinance is adopted pursuant to the provisions of Chapter 36.70A RCW, which empowers a county to enact a zoning ordinance and provide for its administration, enforcement, and amendment. [Ord. 1170B, 2000]

##### **17.050.020 Statement of purpose.**

The purpose and intent of the title is to further the goals and policies of the Lewis County comprehensive plan by providing the authority for and procedures to be followed in regulating the physical development of Lewis County. [Ord. 1170B, 2000]

##### **17.05.030 Interpretation and conflict.**

In interpreting and applying the provisions of this title, they shall be held to be the minimum requirements for development. In the event that uncertainty is deemed to exist on the official Lewis County zoning map, zoning district boundaries shall be on section lines; lot lines; the center lines of highways, streets,

alleys, railroad rights of way or such lines extended; municipal corporation lines; natural boundary lines, such as streams and topography; the ordinary high water mark (OHWM) of lakes and streams subject to Shoreline Management Program jurisdiction; or other lines to be determined by the use of scales shown on said map. Where a zoning district line purposely divides a land parcel, such parcel shall be subject to the procedures and requirements of the respective districts as applied. In the event that districts are overlaid by Shoreline Management Program designation(s), the most restrictive regulations of either the Shoreline Management Program or the official Lewis County Zoning Ordinance shall apply. [Ord. 1170B, 2000]

##### **17.05.040 Vesting of permits.**

(1) Project Permits Defined. For the purpose of this section, “project permit” and “project permit application” shall be as defined in RCW 36.70B.020(4):

Any land use or environmental permit or license required from a local government for a project action, including but not limited to building permits, subdivisions, binding site plans, master plans, conditional uses, special use permits, shoreline substantial development permits, site plan review, permits or approvals required by critical area ordinances, site-specific rezones authorized by a comprehensive plan or subarea plan, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations except as otherwise specifically included in this subsection.

(2) Project Permits Applied for or Approved Prior to Effective Date.

(a) Project permits which have been applied for or approved by Lewis County on or before the effective date of the ordinance codified in this section are hereby deemed to be vested under the zoning and land use regulations in effect at

the time of the complete application therefor.

(b) Future building permits that may be required to construct or complete the project as originally approved shall be subject to the building codes in effect at the time of the completed project permit application.

(3) Project Permit Applications Submitted After the Effective Date.

(a) Project permit applications submitted after the effective date of the ordinance codified in this section shall be vested under the zoning and land use regulations in effect at the time of application; provided, that the county has not subsequently notified the applicant that the application is incomplete.

(b) If the county has notified the applicant that the application is incomplete, the application shall not be deemed vested until the date the county notifies the applicant that the application is complete.

(c) Future building permits that may be required to construct or complete the project as originally approved shall be subject to the building codes in effect at the time of the completed project permit application.

(4) Additional Provisions.

(a) Nothing herein shall restrict the county's authority to impose conditions on project permits pursuant to the State Environmental Policy Act (SEPA), Chapter 43.21C RCW and WAC 197-11-600.

(b) Nothing herein shall be construed to restrict the county's ability, to the extent otherwise permitted by law, to apply new regulations to a project permit or project permit application. [Ord. 1170B, 2000]

#### **17.05.045 Contents of application.**

(1) For a "project permit application", defined in LCC 17.10.173 and referenced in RCW 36.70B.080, to be deemed complete for purposes of beginning the formal project

review and starting the review clock, the basic submittal information in section (3), below, shall be provided; EXCEPT, that such basic submittal information shall not be required in addition to the application requirements under LCC 15.30.040, 15.35.140, 15.45.130-.150, 16.05.050, 16.10.390, 16.12.390, 16.15.040, 17.20.030, 17.30.320, 17.35.460, and LCC Chapters 17.115, 17.120 & 17.160, unless expressly indicated on the face of the permit application or as a supplemental written requirement from the Administrator included with the application. FURTHER, the Administrator may waive any portion of the following basic submittal information on the face of any application form or by separate written notification for a particular project permit application.

(2) In processing project permit applications under Titles 15, 16 & 17 LCC, including 'vested' permits under LCC 17.05.040, additional information or studies may be requested in writing by the Administrator if needed to address particular aspects of the project or site. While the project review clock will formally stop during the time that the additional information is being assembled, department review of other aspects of the project will continue. If the application is deemed incomplete or if additional information is required, and except where otherwise expressly provided for in Titles 15, 16 & 17 LCC, the applicant shall have one hundred eighty calendar days to submit the required information to the community development department. The department shall notify the applicant as to when the one-hundred-eighty-day period will end. If the applicant does not submit the required information within the one-hundred-eighty-day period, the application shall lapse. Prior to the expiration date, the applicant may request in writing an extension of time.

The Administrator may grant an extension if the required studies or information warrant additional time.

(3) Except as otherwise described above, an application for a project permit shall contain the following basic submittal information in clear and intelligible form:

(a) An application form provided by Lewis County containing all of the information requested on the form, including a single applicant contact to receive all determinations and notices;

(b) A narrative summary of all uses and activities proposed to occur on-site, including hours of operation for nonresidential uses and activities. For nonresidential developments, provide a statement which indicates whether hazardous materials, as defined in LCC 17.35.240 LCC, will be used, stored or disposed of on-site, or as a result of site activities;

(c) Full size copies (quantity as stated on application form) and a site plan drawing or drawings of a type and a scale to be designated by the Administrator, which shall include or show:

(i) The location and height of all existing and proposed structures, including, but not limited to, mobile/manufactured homes, houses, sheds, garages, barns, fences, culverts, bridges, storage tanks, signs and exterior lighting,

(ii) The boundaries, including dimensions, of the property proposed to be developed,

(iii) Setback distance measurements from all property lines (or road access easements) to all existing and proposed buildings. For mobile (manufactured) home parks, show location and size of all home pads with dimensions of each yard and all proposed lighting,

(iv) All areas, if any, to be preserved as buffers or to be dedicated to a public, private or community use or for open space under the provisions of this title,

(v) The location of all existing and proposed easements,

(vi) The location of any area protected by (covenanted) setbacks on the project site (or other location, as applicable) for water supply sources,

(vii) The location of all existing and proposed public and on-site utility structures and lines, including existing and proposed on-site sewage systems, sewer lines, water lines, wells and springs (including those within two hundred feet of the project site, depending on the applicant's ability to gain access to adjacent properties or to secure records of existing Washington State Department of Ecology or Lewis County well log records).[\*If off-site utilities are proposed, a letter must be provided from the utility purveyor indicating under what conditions they are willing to serve the proposal. See also subsection (ix), immediately below],

(viii) Existing location and name of drainage/surface water on-site,

(ix) Proposed stormwater drainage facilities type and location,

(x) All means, existing and proposed, of vehicular and pedestrian ingress and egress to and from the site, including disabled parking and access provisions, if applicable, and the size and location of sidewalks (within urbanized/subdivision areas), driveways, streets, internal circulation roads, and fire access roads, and including existing and proposed road names and existing county and state rights-of-way,

(xi) Known adjacent/neighbor accesses to public road,

(xii) The location and size of all parking and outside storage areas,

(xiii) The location of all loading spaces, including, but not limited to, loading platforms and loading docks,

(xiv) A north arrow, map scale, date, site address and directions to the site,

(xv) If required for stormwater, aesthetics, buffering or mitigation, all existing vegetation proposed to remain and all proposed landscaping, including location and type,

(xvi) Location of any existing critical areas or buffers affecting the site, both on-site and on adjacent properties, including but not limited to shorelines, wetlands, streams, steep slopes and special habitats. Off-site information obtained from available county mapping is sufficient.

(c) Vicinity sketch, at a scale to be determined by the Administrator, indicating the boundary lines and names of adjacent developments, streets and boundary lines of adjacent parcels, and the relationship of the proposed development to major roads and highways, schools, parks, shopping centers and similar facilities. A topographic map may also be requested by the Administrator;

(d) Written estimate of trips to and from the site daily for the proposed use. Specifically list trucks and other traffic;

(e) Description of proposed grading, including a written estimate of both cut and fill quantities in cubic yards and a map showing the location of cut and fill areas;

(f) The number of square feet covered by each existing and proposed building, total square feet in graveled, paved or covered surfaces, whether covered by buildings, driveways, parking lots or any other structure, and the total number of square feet in the entire subject parcel or parcels;

(g) The proposed number of dwelling units in the development, including the density calculation method used in deriving the total number of units for the project;

(h) For projects where new or altered on-site sewage systems are proposed, a soils report, as prescribed in Ch. 8.40 LCC, Lewis County Onsite Septic System, shall be submitted or soil test pits shall be dug in the proposed location of the on-site sewage

system, as prescribed in said Chapter. The location of the soil test pits shall be shown on the site plan. During project review, county staff will initially perform the soils review. In some instances, the applicant may be required to retain the services of an on-site sewage system designer, as defined in said Chapter, to conduct further analysis of soil and site conditions;

(i) Applicable fees;

(j) Applicable environmental documents, e.g. SEPA Checklist, critical areas administrative review form or written agreement to complete an environmental impact statement;

(k) There may be additional submittal requirements for certain special uses, as listed in Chapter 17.115 LCC;

(l) In addition to the information listed in subsections (3)(c)(i) through (xii) above, for multifamily developments (more than two dwelling units on a single parcel) and planned residential developments, the following information is required:

(i) Program for development, including estimated phasing or timing of development and estimated build-out data for each year during the construction period,

(ii) Provisions to assure permanence and maintenance of common open space through homeowner's association formation, condominium development or other means acceptable,

(iii) Dwelling unit breakdown by type and size;

(m) In addition to the information listed in subsections (3)(c)(i) through (xii) above, for planned rural residential developments, the following information is required:

(i) The location of both prime farmland soils and land grades 2 & 3 forest soils for purposes of agricultural resource lands and forest resource lands, respectively, as defined by Ch.17.30 LCC,

(ii) General land uses adjoining a proposed development,

(iii) The approximate location of any designated resource use parcels, designated long-term commercially significant agriculture or forest areas, identified critical areas, designated open space, greenbelts, parks, and wildlife corridors adjoining the proposed subdivision,

(iv) Intended use of a resource use parcel, including the siting of any residence(s),

(v) If not all of the allowable density is used, the number of lots which may be created in the future shall also be noted on any recorded platting document. Any imposed limitations on the use and further subdivision of any resource use parcel shall be noted on any recorded plat. These limitations shall be effective until such time as the property is annexed,

(vi) Proposed ownership of resource use parcel and open space areas,

(vii) Provisions to assure permanence and maintenance of any commonly owned open space through homeowners association formation or other means acceptable;

(n) Each application for a quasi-judicial rezone shall contain only the following in clear and intelligible form:

(i) A rezone application form containing all of the information requested on the form, including detailed responses to the following questions:

(A) What is the relationship between the proposed use of the land to be zoned and the surrounding land uses (i.e., is your proposed use of land significantly different than existing land uses surrounding your property)? Explain,

(B) Why is the property not usable by you as presently zoned, including the events, which lead you to this conclusion?

(C) How have conditions affecting the subject site changed to make

the proposed zone more appropriate than the existing zone?

(D) How would the proposed zone change be in the interests of not only the applicant but the public as a whole?

(E) Does the rezone request conform with the Lewis County Comprehensive Plan?

(ii) Site plan drawing or drawings, of a type and a scale to be determined by the Administrator, which shall include or show:

(A) A narrative summary of all uses and activities proposed to occur on-site,

(B) The location of all existing and proposed structures, including, but not limited to, mobile homes, houses, sheds, garages, barns, fences, culverts, bridges, storage tanks, signs, and exterior lighting,

(C) The boundaries, including dimensions, of the property proposed to be developed,

(D) The location of all existing and proposed easements,

(E) A north arrow, map scale, date, site address and directions to the site,

(F) Location of any existing critical areas or buffers affecting the site, both on-site and on adjacent properties, including, but not limited to, shorelines, wetlands, streams, steep slopes and special habitats. Off-site information obtained from available county mapping is sufficient.

(G) The boundaries and land use of all adjacent parcels,

(iii) Topographic map showing two-foot contours for the entire subject parcel or parcels and a minimum of fifty feet into adjacent parcels, based on available county information. Contours may be placed on the site plan or on a separate map of the same scale. The topographic information may be generalized to the smallest, even-numbered, contour interval that is legible in

areas of steep slopes where two-foot contour lines would otherwise be illegible to read,

(iv) Applicable fees,  
(v) Applicable environmental documents, e.g. SEPA checklist, CARL, administrative review form or written agreement to complete an environmental impact statement. [Ord. 1174A §9, 2001]

#### **17.05.050 Administrative responsibilities.**

The Community Development Department is responsible for the administration of this title.\* The department shall act as a coordinating agent to ensure that the regulatory process is expeditious and shall recognize input provided by state agencies or other County departments having appropriate expertise or jurisdiction, including: the Public Works Department for road and stormwater; the fire chief of the appropriate district for fire-related issues; the health and social services department for domestic water, septic and sewage, waste disposal, and septage; the health department for solid waste; and the community development department for land use, building and construction, and general site design. All departments of county government shall endeavor to cooperate

fully with the community development department in the exercise of their duties relative to land use controls and regulations. [Ord. 1170B, 2000]

\*Note: Office of Prosecuting Attorney oversees and administers codification and publication of this title.

#### **17.05.060 Title.\***

This title may be cited as either:

(1) Official Lewis County Zoning Ordinance; or

(2) Title 17, Lewis County Code; or

(3) Lewis County Zoning Code

[Ord. 1170B, 2000] \*Note: currently codified as "Land Use and Development Regulations"

#### **17.05.070 Application.**

This title shall be applicable within lands regulated by the Lewis County comprehensive plan. [Ord. 1170B, 2000]

#### **17.05.080 Establishment of districts.**

For the purpose of furthering the goals and policies of the comprehensive plan and to carry out the provision of this title, Lewis County is hereby divided into the following districts:



<b>Chapter</b>	<b>Abbreviation</b>	<b>District</b>
17.45	STMU	Small Towns—Mixed Use/Commercial
17.50	STR-4	Small Towns—Residential
17.55	STI	Small Towns—Industrial
17.60	CC	Crossroads Commercial
17.65	FC	Freeway Commercial
17.70	TCA	Tourist Services Areas—overlay
17.75	RAI	Rural Area Industrial
17.80	RA-P	Packwood Airport Obstruction Zoning—overlay
17.85	RA-TW	Ed Carlson Memorial Field Airport Obstruction Zoning—overlay
17.90	RA-CC	Chehalis-Centralia Airport Obstruction Zoning—overlay
17.95	RRC*	Rural Residential Centers
17.100	RDD	Rural Development District
17.105	RAD	Rural Agricultural District—overlay
17.107	AFPOD	Agriculture and Forest Protection Overlay District

\*[Note: originally adopted as “RCC” as a scrivener’s error, and corrected on codification]

Land within the UGAs (Chapters 17.15 and 17.20 LCC) shall be governed by the provisions of the chapters and associated maps. [Ord. 1179, 2002, Ord. 1170B, 2000]

#### **17.05.090 Adoption of district zoning maps.**

The boundaries and district classification hereby established are shown on a map and series thereof, entitled the “Official Lewis County Zoning Map.” Such maps are enumerated in Chapter 17.200 LCC and all such maps, together with notations, references, data, and other information shown thereon are by reference made part of this title. [Ord. 1170B, 2000]

#### **17.05.100 Notice.**

(1) Purpose. The purpose of this section is to assure that notice is available by people affected by proposals considered by the County under the terms of this Title 17.

(2) Notice. In addition to property-specific notice and publication, which may be required by law or other provisions of this Title, the following notices shall be provided for actions taken pursuant to this Title:

(a) Special use permits—a 4’x4’ wooden sign, painted white with 3-inch red lettering shall be located within 10 feet of

the County right-of-way on any open public roads abutting the property or the property access road. The sign shall be posted not less than 30 days prior to public hearings and shall be clearly visible from the public right-of-way. The sign shall read:

Notice of land use action.  
Special use permit proceedings for a  
[Name of Facility]  
For information on the project and hearing  
dates, contact:  
Lewis County Department of Community  
Development.  
350 N. Market Blvd., Chehalis, WA 98532  
(360/740-1146)  
[Owner/developer’s name and contact]

(b) Master plan proceedings—a 4’x8’ wooden sign, mounted with 4”x4” or better posts, painted white with 4 inch lettering shall be located within 10 feet of each County right-of-way abutting the property to be addressed in the master plan, and within 10 feet of any open public road which serves as access to the site, where the road does not abut the site. The sign shall be posted not less than 30 days prior to the hearings and shall be clearly visible from the public right-of-way. The sign shall be maintained on the property until the hearings are complete and the decision issues. The sign shall read as follows:

Notice of land use action.  
 Master plan proceedings for a  
 [Name of Facility]  
 For information on the project and hearing  
 dates, contact:  
 Lewis County Department of Community  
 Development.  
 350 N. Market Blvd., Chehalis, WA 98532  
 (360/740-1146)  
 [Owner/developer name and contact]

(c) Comprehensive plan development regulation changes affecting more than one property. The County shall cause to be published, in addition to other notices required by law, a public notice, 11"x17" which shall identify the time, place, and purpose of the County proceedings and the contact sites at County offices for additional information. The County will include a subarea map showing the area affected, if less than the whole county. The notice shall be posted in at least two places of public assembly within each of the subareas affected, as shown on Map 106. A place of public assembly for these purposes shall include the senior centers, the post offices, or grocery stores nearest the area potentially affected.

(d) The County Community Development Department shall develop guidelines for the timely removal of signs.

(e) Applicant shall prepare and install and remove all signs required by this section. [Ord. 1179, 2002; Ord. 1175 §2, 2000; Ord. 1170B, 2000]

## Chapter 17.10

### DEFINITIONS

#### Sections:

17.10.001	Generally.
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17.10.005	Accessory building.
17.10.007	Accessory use.
17.10.009	Administrator.
17.10.011	Agriculture.
17.10.013	Aircraft landing area.
17.10.015	Approval authority.
17.10.017	Average grade level.
17.10.019	Barn.
17.10.021	Bed and breakfast establishment.
17.10.023	Bed and breakfast inn.
17.10.027	Building.
17.10.029	Building height.
17.10.031	Building line.
17.10.033	Campground.
17.10.035	Cemetery.
17.10.037	Church.
17.10.039	Clearing.
17.10.041	Clearing activity.
17.10.043	Closed record appeal.
17.10.047	Commercial
17.10.049	Community center.
17.10.053	Consistency.
17.10.055	Convenience retail shop.
17.10.057	Conversion Option
	Harvest Plan (COHP).
15.10.058	Country Inn.
17.10.059	County Commission.
17.10.060	Culturally or historically important lands or structures.
17.10.061	Density.
17.10.063	Department
17.10.065	Detached accessory dwelling unit.
17.10.067	Developed land.
17.10.069	Development.
17.10.071	Development standards.
17.10.072	Disability.
17.10.073	Drainage ditch.

17.10.075	Dwelling unit.	17.10.137	Motel.
17.10.076	Essential public facilities–local.	17.10.139	Multifamily development.
17.10.07601	Essential public facilities–major.	17.10.141	Multifamily dwelling.
17.10.077	Extraction, commercial.	17.10.143	Nonconforming structure.
17.10.079	Extraction, noncommercial.	17.10.145	Nonconforming use.
17.10.081	Fabrication.	17.10.147	Open record appeal hearing.
17.10.083	Family.	17.10.149	Open record hearing.
17.10.085	Family dwelling.	17.10.150	Open space.
17.10.086	Family emergency.	17.10.151	Ordinary high water mark (OHWM).
17.10.08601	Family member.	17.10.153	Owner of record.
17.10.087	Farm enhancement.	17.10.154	Parcel.
17.10.091	Floor area of nonresidential building	17.10.155	Park.
17.10.093	Floor area.	17.10.157	Parking space, off-street.
17.10.095	Floor area ratio (FAR).	17.10.159	Permanent foundation.
17.10.097	Forest industries.	17.10.161	Permitted use.
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17.10.101	Forest products.	17.10.165	Planning Commission.
17.10.103	Grade (adjacent ground elevation).	17.10.167	Private club.
17.10.105	Grocery store.	17.10.169	Professional office.
17.10.107	Gross density.	17.10.171	Prohibited use.
17.10.108	Group home.	17.10.173	Project permit - Project permit application.
17.10.109	Hazardous waste.	17.10.175	Public comment period.
17.10.111	Hazardous waste treatment and storage facilities.	17.10.177	Public facilities.
17.10.113	Hearing examiner.	17.10.179	Public meeting.
17.10.115	Home based industry.	17.10.181	Public and private playgrounds and golf grounds.
17.10.117	Home occupation.	17.10.183	Public recreation.
17.10.119	Hotel.	17.10.185	Public services.
17.10.121	Industrial.	17.10.187	Public sewer.
17.10.122	Junk.	17.10.189	Public water.
17.10.123	Launch ramp.	17.10.191	Recreational vehicle.
17.10.125	Loading space, off-street.	17.10.193	Recreational subdivision.
17.10.126	Long-term agricultural resource lands	17.10.195	Recreational vehicle park.
17.10.127	Lot clustering.	17.10.196	Reserve areas.
17.10.129	Lot coverage.	17.10.197	Reserve tract.
17.10.131	Manufacturing.	17.10.199	Residential unit.
17.10.133	Mobile home.	17.10.201	Resident.
17.10.134	Modular/manufactured home.	17.10.203	Resource uses.
17.10.135	Mobile home park.	17.10.205	Restaurant.
		17.10.207	Reclamation.
		17.10.208	Retirement and convalescent home.
		17.10.209	Road.

17.10.211	Rooming house.
17.10.213	Seat.
17.10.214	Setback.
17.10.215	Sign.
17.10.217	Single-family dwelling.
17.10.219	Site area.
17.10.221	Solid waste disposal facilities or sites.
17.10.223	Special use.
17.10.225	Structure.
17.10.227	Surface mining.
17.10.229	Truck stop.
17.10.231	Unbuildable land.
17.10.233	Unsuitable land.
17.10.235	Warehousing.
17.10.237	Wholesale trade.
17.10.239	Wireless communication facility.
17.10.241	Yard, front.
17.10.243	Yard, rear.
17.10.245	Yard, side.

#### **17.10.001 Generally.**

Certain terms and words used in this ordinance are defined as follows: Words used in the present tense include the future; words in the singular number include the plural number, and words in the plural number include the singular number; the word “building” includes the word “structure” and the word “shall” is mandatory and not directory. [Ord. 1170B, 2000]

#### **17.10.003 Accessory apartment.**

“Accessory apartment” means a separate complete residential unit designed for occupancy by a family. It is substantially contained within the structure of a single-family dwelling unit and there is internal access between units. [Ord. 1170B, 2000]

#### **17.10.005 Accessory building.**

“Accessory building” means a detached subordinate building in which an accessory use is located. [Ord. 1170B, 2000]

#### **17.10.007 Accessory use.**

“Accessory use” means a subordinate use which is customarily associated with or related to the primary uses of the premises, and which does not alter or change the character of the premises. [Ord. 1170B, 2000]

#### **17.10.009 Administrator.**

“Administrator” means the director of the Community Development Department or his/her designee. [Ord. 1170B, 2000]

#### **17.10.011 Agriculture.**

“Agriculture” means the use of land for horticulture, floriculture, viticulture, dairy, apiary, vegetable or animal products, or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, finfish in upland hatcheries, or livestock, and the necessary accessory uses for packing, treating, or storing the product; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities. Agriculture includes activities identified in LCC 17.35.1075. [Ord. 1170B, 2000]

#### **17.10.013 Aircraft landing area.**

“Aircraft landing area” means any locality, either on land, water, or structures including airports/heliports and intermediate landing fields, which is used, or intended to be used, for the landing and takeoff of aircraft. [Ord. 1170B, 2000]

#### **17.10.015 Approval authority.**

“Approval authority” means the County agency or position charged with making a final decision on a permit. The approval authority may include, among others, the Director of the Community Development Department or his/her designee, the County Hearings Examiner, and all other official charged with issuing discretionary permits in accordance with the terms of this title.

[Ord. 1170B, 2000]

**17.10.017 Average grade level.**

“Average grade level” means the average of the natural or existing grade on that part of the lot to be occupied by the building or structure measured by averaging the grade levels at the extreme points or corners of the building or structure. [Ord. 1170B, 2000]

**17.10.019 Barn.**

“Barn” means any housing for horses, cows, steers, sheep, goats, or similar large animals, as well as housing for rabbits, domestic fowl, and similar smaller birds or animals. [Ord. 1170B, 2000]

**17.10.021 Bed and breakfast establishment.**

“Bed and breakfast establishment” means any privately-owned dwelling in which, for compensation, one or more persons, either individually or as families, are housed or lodged for periods of less than one month as transients with limited food service. [Ord. 1170B, 2000]

**17.10.023 Bed and breakfast inn.**

“Bed and breakfast inn” means a bed and breakfast establishment offering three or more sleeping units. [Ord. 1170B, 2000]

**17.10.027 Building.**

“Building” means any structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind. [Ord. 1170B, 2000]

**17.10.029 Building height.**

“Building height” means the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the

following, whichever yields a greater height of building:

(1) The elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of the exterior wall of the building when such a sidewalk or ground surface is not more than 10 feet above lowest grade.

(2) An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in paragraph (1) above is more than 10 feet above lowest grade.

The height of a stepped or terraced building is the maximum height of any segment of the building. Mobile homes shall also meet these building height standards.

Exceptions: Towers, spires, steeples, and cupolas erected as part of a building and not used for habitation or storage may exceed the maximum building height in any zoning district by 20 feet; additional height may be approved by administrative approval under Chapter 17.160 LCC. [Ord. 1170B, 2000]

**17.10.031 Building line.**

“Building line” means a straight line which touches that portion of a building closest to the road upon which the lot fronts, and which intersects the two side lot lines at angles as close as possible to 90 degrees. The building line is the point of compliance for yard and setback requirements. [Ord. 1170B, 2000]

**17.10.033 Campground.**

“Campground” means any parcel or adjacent parcels of land in the same ownership, either public or private, which provides sanitary facilities and spaces for pitching tents for short-term occupancy of a transient, recreational nature. A private camping club is included within this definition. Those campground facilities, which provide occupancy during the period addressed in Chs. 15.25 & 15.30 LCC, shall also be governed by the provisions of those

regulations.\*[Ord. 1170B, 2000] \*[Note: Ch. 16.14 LCC also governs campground facilities.]

#### **17.10.035 Cemetery.**

“Cemetery” means a place used and dedicated for burial of deceased humans with one or a combination of the following elements: (1) burial plot or plots for earth interments; (2) mausoleum for crypt interments; (3) columbarium for permanent cinerary interments. [Ord. 1170B, 2000]

#### **17.10.037 Church.**

“Church” means a structure or group of structures devoted to spiritual or moral teachings. Associated activities include personal social services to the community. [Ord. 1170B, 2000]

#### **17.10.039 Clearing.**

“Clearing” means destruction of vegetation by manual, mechanical, or chemical methods resulting in exposed soils. [Ord. 1170B, 2000]

#### **17.10.041 Clearing activity.**

“Clearing activity” means clearing taking place on a single parcel of record or as part of a single project. A clearing activity will be considered to be complete once the site has been revegetated and stabilized. [Ord. 1170B, 2000]

#### **17.10.043 Closed record appeal.**

“Closed record appeal” means an administrative appeal on the record to Lewis County, as defined under LCC 2.25.010(3). [Ord. 1170B, 2000]

#### **17.10.047 Commercial.**

“Commercial” activities are primarily of a business or retail purpose, including but not limited to selling, offering for sale, displaying, distributing, or providing of goods, merchandise, or services as well as any advertising, promotion, or conveying of information or materials related to such

goods, merchandise, or services, together with associated transport, storage, assembly, and repair. [Ord. 1170B, 2000]

#### **17.10.049 Community center.**

“Community center” means land and/or building(s) owned by a public agency or private non-profit entity used for social, civic, educational, or recreational purposes, which serves mainly the community where located; including but not limited to community halls and centers, grange halls, senior citizen centers, teen centers, youth clubs, field houses, and churches. The facilities are available for occasional public meetings. They may also have the minimal kitchen facilities required for occasional banquets. Private clubs as defined in this ordinance are not included. [Ord. 1170B, 2000]

#### **17.10.053 Consistency.**

“Consistency” means a project’s performance, in accordance with the county’s development regulations or in the absence of applicable development regulations, the appropriate elements of the county comprehensive plan or subarea plans adopted under Chapter 36.70A RCW, including but not limited to compliance and conformity. [Ord. 1170B, 2000]

#### **17.10.055 Convenience retail shop.**

“Convenience retail shop” means a food store designed and intended to serve the daily or frequent needs of the residential population living primarily within one mile of the shop. The food store may sell nonfood items such as household supplies, drugs, and items for personal hygiene. [Ord. 1170B, 2000]

#### **17.10.057 Conversion Option Harvest Plan (COHP).**

“Conversion Option Harvest Plan (COHP)” means a voluntary plan developed by the landowner and approved

by the county prior to submittal to the Department of Natural Resources, indicating the limits of harvest areas, road locations, critical area buffers, and open space. The plan provides the landowner with the opportunity to log under a DNR Class II, III, or IV special permit without a county project permit while maintaining the option to convert the land at a later date. Under this condition, the imposition of a six-year moratorium on future development will not apply. [Ord. 1170B, 2000]

**17.10.058 Country inn.**

A "Country Inn" is a restaurant or restaurant/lounge facility designed to encourage a rural dining experience (such as Johnson Creek Winery or Alice's Restaurant), and is dependent upon a rural location for appropriate ambiance. [Ord. 1179, 2002]

**17.10.059 County Commission.**

"County Commission" means the County Commission of Lewis County. [Ord. 1170B, 2000]

**17.10.060 Culturally or historically important lands or structures.**

"Culturally or historically important lands or structures" mean lands or structures on a recognized historic preservation list approved by state, federal, or city authorities. [Ord. 1170B, 2000]

**17.10.061 Density.**

"Density" means the total number of acres in a parcel divided by the number of dwelling units located on the same parcel after development is complete. [Ord. 1170B, 2000]

**17.10.063 Department.**

"Department" means the Department of Community Development of Lewis County. [Ord. 1170B, 2000]

**17.10.065 Detached accessory dwelling unit.**

"Detached accessory dwelling unit" means a separate and complete dwelling unit not attached in any way to the main or existing dwelling unit; designed for occupancy by a family. [Ord. 1170B, 2000]

**17.10.067 Developed land.**

"Developed land" means the total land area of any lot of record which has a building, parking area, and/or structure for a permitted or special use except the following uses: agriculture as defined above; the growth, harvest, and management of timber; or mining. [Ord. 1170B, 2000]

**17.10.069 Development.**

"Development" means any activity that requires federal, state, or local approval for the use or modification of land or its resource. These activities include, but are not limited to, subdivision short subdivisions, and large lot subdivisions; binding site plans; planned unit developments; variances; shoreline substantial development; clearing activity; excavation and grading; embankment; activity conditionally allowed; building or construction; revocable encroachment permits; and septic approval.

**17.10.071 Development Standards.**

"Development Standards" means a minimum requirement or maximum allowable limit on the effect or characteristics of the use or activity for which a piece of land or its buildings is designed, arranged, or intended, or for which it is occupied or maintained pursuant to this chapter and the following as they exist now and as they may be amended from time to time:\*

Lewis County Ordinance No. 1169  
(Title 16 LCC - Subdivisions)

Lewis County Ordinance No. 1051  
(LCC 15.30 - Mobile Home Park  
Binding Site Plan)

Lewis County Ordinance No.  
1146/1146A (LCC 15.05 -  
Building Codes)

Lewis County Ordinance No. 1043  
(LCC 15.15 - Building Setback  
Regulations)

Lewis County Ordinance No. 1145  
(LCC 15.35 - Flood Damage  
Prevention)

Lewis County Ordinance No. 1161  
(LCC 15.45 - Stormwater  
Management)

Lewis County Bd of Health Ord. Nos.  
H98-0326/-0326A (LCC 8.40 -  
On-Site Sewage Systems)

[Ord. 1170B, 2000]\*[Note: Portions of these  
ordinances have been amended or supplemented, as  
reflected in the named, Code sections.]

#### **17.10.072 Disability.**

"Disability" means a situation where the  
owner of the designated property is eligible  
for disability benefits. (County shall require  
written evidence of qualifying disability.)  
[Ord. 1179, 2002]

#### **17.10.073 Drainage ditch.**

"Drainage ditch" means an artificially  
created watercourse constructed to drain  
surface or ground water. [Ord. 1170B, 2000]

#### **17.10.075 Dwelling unit.**

"Dwelling unit" means a building, or  
portion of a building or modular  
manufactured housing unit that is  
constructed or installed on a permanent  
foundation and designed for long-term  
human habitation, which has facilities for  
cooking, eating, sleeping, sewage, and  
bathing for use by one family (including  
resident domestic employees); the term does  
not include tents, campers, recreational  
vehicles, or travel trailers. [Ord. 1170B,  
2000]

#### **17.10.076 Essential public facilities—local.**

"Essential public facilities—local" means  
transportation, utility, and education  
facilities; special needs facilities; solid

waste facilities; port facilities administered  
by ports; juvenile detention facilities;  
community jail and other facilities all  
administered by an agency or entity  
headquartered in Lewis County. Local  
general aviation airports owned and/or  
operated by municipal authorities shall be an  
essential public facility. [Ord. 1179B Ex. B,  
2003]

#### **17.10.07601 Essential public facilities— major.**

"Essential public facilities—major"  
means those facilities which are not required  
to be located in Lewis County, but which  
may be designated for Lewis County by the  
appropriate agency and which have the  
potential for material local impact. Such  
facilities include, but are not limited to, state  
prisons and correctional facilities  
administered by the Washington State  
Department of Corrections, regional or  
international airports operated by authorities  
not located in Lewis County, energy  
facilities proposed by a utility not  
headquartered in Lewis County. [Ord.  
1179B Ex. B, 2003]

#### **17.10.077 Extraction, commercial.**

"Commercial extraction" means  
extraction of sand or gravel or both from a  
site when the primary purpose of extraction  
is to obtain the minerals for road  
construction, building construction, ready-  
mix, re-sale, or other uses in which the  
minerals will be processed. [Ord. 1170B,  
2000]

#### **17.10.079 Extraction, noncommercial.**

"Noncommercial extraction" means  
extraction of sand or gravel or both from a  
site when it is incidental to a primary use,  
when it is intended to enhance agricultural  
productivity and when it will facilitate more  
uniform management of agricultural land.  
[Ord. 1170B, 2000]



**17.10.081 Fabrication.**

“Fabrication” means the manufacturing from standardized parts of a distinct object differing from the individual components. [Ord. 1170B, 2000]

**17.10.083 Family.**

“Family” means an individual; two or more persons related by blood or marriage; a group of two or more disabled residents protected under the Federal Housing Act Amendments, who are not related by blood or marriage, living together as a single housekeeping unit; a group of eight or fewer residents, who are not related by blood or marriage, living together as a single housekeeping unit; or a group living arrangement where six or fewer residents receive supportive services such as counseling, foster care, or medical supervision at the dwelling unit by resident or non-resident staff. For purposes of this definition, minors living with parent shall not be counted as part of the maximum number of residents. [Ord. 1170B, 2000]

**17.10.085 Family dwelling.**

“Family dwelling” means any building designed for and occupied by any person or family established or tending to establish a legal residence or acquiring a legal settlement for any purpose upon the premises so occupied. [Ord. 1170B, 2000]

**17.10.086 Family emergency.**

“Family emergency” means a situation where the owner of the designated property is involuntarily required to move from the property, due to health, requirements of a current employer, or involuntary termination of current employment. (County shall require proof of notice of requirements forcing involuntary action.) [Ord. 1179, 2002]

**17.10.08601 Family member.**

“Family member” shall include only mother, father, sons, daughters, stepsons,

stepdaughters, whether natural or adopted, for families on the property in question on the effective date of this ordinance. [Ord. 1179, 2002]

**17.10.087 Farm enhancement.**

“Farm enhancement” means promoting proposed agricultural production by application of structural, cultural, and management practices, including eliminating safety hazards such as excessive grades. [Ord. 1170B, 2000]

**17.10.091 Floor area of a nonresidential building.**

“Floor area of a nonresidential building” (to be used in calculating parking requirements) means the floor areas of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, and similar areas. [Ord. 1170B, 2000]

**17.10.093 Floor area.**

“Floor area” means the sum expressed in square footage of the gross horizontal area of the floor or floors of the building, measured from the exterior faces of the exterior walls, including elevator shafts and stairwells on each floor and areas having a ceiling height of seven feet or more, but excluding roofed areas open on two or more sides, areas having a ceiling height of less than seven feet and areas used exclusively for storage or housing of mechanical or central heating equipment. [Ord. 1170B, 2000]

**17.10.095 Floor area ratio (FAR).**

“Floor area ratio (FAR)” means the square footage of the building divided by the square footage of the area of the site the building is to be located on. [Ord. 1170B, 2000]

**17.10.097 Forest industries.**

“Forest industries” means the growth,

harvest, and management of timber, associated forest practices and the manufacture of wood products. [Ord. 1170B, 2000]

**17.10.099 Forest practice.**

“Forest practice” means any activity conducted on or directly pertaining to forest land and related to growing, harvesting, or processing timber (Chapter 222-16 WAC) including, but not limited to: (1) road and trail construction; (2) fertilization; (3) prevention and suppression of diseases and insects; or other activities which qualify as a use or development subject to the Forest Practices Act. [Ord. 1170B, 2000]

**17.10.101 Forest products.**

“Forest products” means products obtained from stands of forest trees which have been either naturally or artificially established. [Ord. 1170B, 2000]

**17.10.103 Grade (adjacent ground elevation).**

“Grade (adjacent ground elevation)” means the lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line, or when the property line is more than five feet from the building, between the building and a line five feet from the building. [Ord. 1170B, 2000]

**17.10.105 Grocery store.**

“Grocery store” means a place of business engaged in selling to the public items generally used in and around homes including foods, drinks, medical aids, school supplies, papers, magazines and other household items. [Ord. 1170B, 2000]

**17.10.107 Gross density.**

“Gross density” means the number of dwelling units per unit of area. Gross density shall be computed based on the total

area of the parcel of record and shall include the area of adjoining road right of way if the parent parcel is five acres or greater; however, adjoining road rights of way shall be excluded for parent parcels of less than five acres. [Ord. 1170B, 2000]

**17.10.108 Group home.**

A "Group home" is a residential care facility, which requires licensing under the laws of the State of Washington. In this Title, the term Group Home includes all types of licensed residential care facilities. [Ord. 1179, 2002]

**17.10.109 Hazardous waste.**

“Hazardous waste” means and includes all dangerous and extremely hazardous waste as defined by RCW 70.105.010, and by Chapters 8.20, 8.25 & 8.45 LCC. Treatment of hazardous waste means, in addition to the meanings in Chapters 8.20, 8.25 & 8.45 LCC, the physical, chemical, or biological processing of dangerous waste to make such wastes nondangerous or less dangerous, safer for transport, amenable for energy or material resource recovery, amenable for storage, or reduced in volume. [Ord. 1170B, 2000]

**17.10.111 Hazardous waste treatment and storage facilities.**

“Hazardous waste treatment and storage facilities” means facilities that require an interim or final status permit from the Department of Ecology under the Dangerous Waste Regulations, Chapter 173-303 WAC, and permitting under Chapters 8.20, 8.25 & 8.45 LCC. This does not include hazardous waste incineration and land disposal facilities which are state preempted. [Ord. 1170B, 2000]

**17.10.113 Hearing examiner.**

“Hearing examiner” means the hearing examiner of Lewis County. [Ord. 1170B, 2000]

**17.10.115 Home based industry.**

“Home based industry” means small industrial, commercial, manufacturing, or service operations on land which is accessory to the operator’s residential use. A home-based industry is limited in size and scale, but may involve new structures and activity outside the residence. Such uses may retain uses existing at the date of the adoption of this chapter or new facilities or activities consistent with this title. See limits in LCC 17.115.030(11). [Ord. 1170B, 2000]

**17.10.117 Home occupation.**

“Home occupation” means an activity conducted in a dwelling unit, in trade or commerce which is a home occupation and involves no external development or activity which evidences the commercial use, other than parking, or outdoor recreational use for day care centers with less than 10 children. [Ord. 1170B, 2000]

**17.10.119 Hotel.**

“Hotel” means any building containing six or more rooms intended or designed to be used, rented or hired out, or to be occupied for sleeping purposes only by transients. [Ord. 1170B, 2000]

**17.10.121 Industrial.**

“Industrial” means activities pertaining to the creation, fabrication, alteration, combination, manufacture, or assembly of products for sale at wholesale or retail, and includes storage, transportation, and sales associated with the process or products. [Ord. 1170B, 2000]

**17.10.122 Junk.**

“Junk “ means old iron, steel, brass, copper, tin, lead, or other base metals; old cordage, ropes, rags, fibers, or fabrics; old rubber; old bottles or other glass; bones; waste paper, plastic and other waste or discarded material which might be prepared

to be used again in some form; any or all of the foregoing; and motor vehicles, no longer used as such, to be used for scrap metal or stripping of parts; but “junk “ shall not include materials or objects accumulated by a person as by-products, waste or scraps from the operation of his/her own business or materials or objects held and used by a manufacturer as an integral part of his/her own manufacturing processes. [Ord. 1170B, 2000]

**17.10.123 Launch ramp.**

“Launch ramp” means an inclined slab, set of pads, or planks, or graded slope used for launching boats with trailers, or occasionally by hand; extensive parking and turn-around areas are usually required. [Ord. 1170B, 2000]

**17.10.125 Loading space, off-street.**

“Off-street loading space” means space logically and conveniently located for bulk pickups and deliveries, scaled to delivery trucks expected to be used and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading spaces are not to be included as off-street parking space in computation of required off-street parking space. All off-street loading spaces shall be located totally outside of any street or alley right of way. [Ord. 1170B, 2000]

**17.10.126 Long-term agricultural resource lands.**

“Long-term agricultural resource lands” are those lands necessary to support the current and future needs of the agricultural industry in Lewis County, based upon the nature and future of the industry as an economic activity and not on the mere presence of good soils.

(1) Long-term commercially significant designations do not include:

(a) The “farm home” (a house currently on designated lands as of the date

of designation and a contiguous 5 acres, to be segregated by boundary line adjustment for separate financing purposes; and

(b) “Farm centers,” being those lands existing at the time of designation, marked by impervious (gravel or paved) surfaces, including buildings and sheds and storage areas) not to exceed 5 acres, which shall be available for rural commercial and industrial uses under guidelines established as a conditional use. (Non-farm development on the farm center shall not be effective until the County completes the terms of the condition use permit.)[Ord. 1179E §2, 2003]

#### **17.10.127 Lot clustering.**

“Lot clustering” means a method of aggregating permitted densities on smaller tracts or area within a larger defined area for the purpose of creating economical building lots with spatially efficient sizes, reducing development cost, increasing energy efficiency and reserving areas of land that are suitable for agricultural, forestry, open space, or other future-approved development purposes. [Ord. 1170B, 2000]

#### **17.10.129 Lot coverage.**

“Lot coverage” means the percent of a lot or parcel which is, or will be, covered by all structures located thereon. Coverage is determined by measuring areas covered by a weather tight roof. [Ord. 1170B, 2000]

#### **17.10.131 Manufacturing.**

“Manufacturing” means establishments engaged in the mechanical or chemical transformation of materials or substances into new products including the assembling of component parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins, or liquors. [Ord. 1170B, 2000]

#### **17.10.133 Mobile home.**

“Mobile home” means a detached single-family dwelling unit as defined and

regulated under Chapter 15.25 LCC. [Ord. 1170B, 2000]

#### **17.10.134 Modular/manufactured home.**

“Modular/manufactured home” means a structure constructed offsite and assembled onsite, which conforms to UBC requirements. [Ord. 1170B, 2000]

#### **17.10.135 Mobile home park.**

“Mobile home park” means any parcel or adjacent parcels of land as defined and regulated under Chapter 15.30 LCC. [Ord. 1170B, 2000]

#### **17.10.137 Motel.**

“Motel” means a group of attached or detached buildings containing individual sleeping units, with or without cooking or kitchen facilities, with at least one parking space for each unit located on the same premises, all for the temporary use by tourists and transients. This term includes auto courts, tourist courts, motor lodges, and resort cabins. [Ord. 1170B, 2000]

#### **17.10.139 Multifamily development.**

“Multifamily development” means two or more dwelling units on one lot of record whether or not attached. [Ord. 1170B, 2000]

#### **17.10.141 Multifamily dwelling.**

“Multifamily dwelling” means a single building containing two or more attached residential units. [Ord. 1170B, 2000]

#### **17.10.143 Nonconforming structure.**

“Nonconforming structure” means a building or structure, or portion thereof, which was lawfully erected and maintained prior to the adoption of these regulations, but which does not conform to the regulations of the zone in which it is located. [Ord. 1170B, 2000]

#### **17.10.145 Nonconforming use.**

“Nonconforming use” means a use of

land which was lawfully established and maintained prior to the adoption of these regulations, but which does not conform to the regulations of the zone in which it is located. [Ord. 1170B, 2000]

**17.10.147 Open record appeal hearing.**

“Open record appeal hearing” means a hearing defined under LCC 2.25.010(9). [Ord. 1170B, 2000]

**17.10.149 Open record hearing.**

“Open record hearing” means a hearing as defined under LCC 2.25.010(9). [Ord. 1170B, 2000]

**17.10.150 Open space.**

“Open space” shall have the same definition as in 16.04.185 LCC. See also “Open space land” defined at 17.140.030(7). Under this title “open space “ is not to be confused with “open space open space,” “open space agricultural,” or “open space timber” designations, which are tax designations assigned by the County under Title 84 RCW for property tax purposes, as defined in RCW 84.34.020(1)(2)(3). Such tax designations may be secured in any zone under this title and may be granted, amended, or deleted as provided in the applicable tax code and regulations. [Ord. 1170B, 2000]

**17.10.151 Ordinary high water mark (OHWM).**

“Ordinary high water mark (OHWM)” means that mark as defined under LCC 17.25.030(7). [Ord. 1170B, 2000]

**17.10.153 Owner of record.**

“Owner of record” for notice purposes means the person or entity listed on the public records of Lewis County Auditor for the tax parcel or tax parcels in question as of the date of application. [Ord. 1170B, 2000]

**17.10.154 Parcel.**

For “parcel” see “contiguous land”

definition at LCC 16.04.078. [Ord. 1170B, 2000]

**17.10.155 Park.**

“Park” means private or public areas of land with or without buildings, designated for active or passive recreational uses. This includes athletic fields with unenclosed spectator seating facilities. [Ord. 1170B, 2000]

**17.10.157 Parking space, off-street.**

“Off-street parking space” means, for the purpose of this ordinance, an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street, alley, or public right of way. [Ord. 1170B, 2000]

**17.10.159 Permanent foundation.**

“Permanent foundation” means a foundation constructed of masonry, concrete, or treated wood in conformance to the requirements of the Uniform Building Codes, and shall extend below the frost line or other method as accepted by the building official. [Ord. 1170B, 2000]

**17.10.161 Permitted use.**

“Permitted use” means a principal use of a site allowed as a matter of right in conformance to applicable zoning, building, and health codes, and not subject to special review or conditions under this ordinance beyond those specifically set forth in zoning district regulations. [Ord. 1170B, 2000]

**17.10.163 Person.**

“Person” means an individual, firm, co-partnership, association, corporation, or other legal entity, including any federal, state, or local municipal corporation, agency, or special purpose district. [Ord. 1170B, 2000]

**17.10.165 Planning Commission.**

“Planning Commission” means the Planning Commission of Lewis County. [Ord. 1170B, 2000]

**17.10.167 Private club.**

“Private club” means land and/or building that is privately owned and normally restricted from use by the general public, and which is operated as an assembly area by and for a nonprofit organization, society, lodge, fraternity, yacht club, or similar entity. The facility may or may not feature eating, drinking, dancing, or similar activities. [Ord. 1170B, 2000]

**17.10.169 Professional office.**

“Professional office” means a room or group of rooms used to conduct the business of a profession, business, service, government, or other organization, but excluding those uses which are primarily retail, wholesale, or other than clerical in nature that have offices as part of their operation. [Ord. 1170B, 2000]

**17.10.171 Prohibited use.**

“Prohibited use” means a use not allowed to be constructed or developed; provided that existing uses may be continued as provided in Chapter 17.155 LCC, Nonconforming Uses. [Ord. 1170B, 2000]

**17.10.173 Project permit - Project permit application.**

“Project permit” or “project permit application” means any land use or environmental permit or license required from Lewis County for a project action, including but not limited to building permits, subdivisions, binding site plans, planned unit developments, special use permits, shoreline substantial project permits, variance, lot consolidation, site plan reviews, permits, or approvals required by critical area ordinances, site-specific rezones

authorized by a comprehensive plan or subarea plan, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations except as otherwise specifically included in this subsection. [Ord. 1170B, 2000]

**17.10.175 Public comment period.**

“Public comment period,” for purposes of this title, means a prescribed period of time, starting from the date of a notice of application, in which the public may provide information and comments to Lewis County staff who are obligated to incorporate such input into a staff report addressing the project permit application. Generally, public comment may be accepted by the decision making body up to, and until, the close of the open record hearing. [Ord. 1170B, 2000]

**17.10.177 Public facilities.**

“Public facilities” include streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreational facilities, and schools. [Ord. 1170B, 2000]

**17.10.179 Public Meeting.**

“Public meeting” means an informal meeting, hearing, workshop, or other public gathering of people to obtain comments from the public or other agencies on a proposed project permit prior to the local government’s decision. A public meeting may include, but is not limited to, a design review or architectural control board meeting, a special review district or community council meeting, or a scoping meeting of a draft environmental impact statement. A public meeting does not include an open record hearing. The proceedings at a public meeting may be recorded and a report or recommendation may be included in the county’s project permit application file. [Ord. 1170B, 2000]

**17.10.181 Public and private playgrounds and golf grounds.**

“Public and private playgrounds and golf grounds” means areas of land with or without buildings designated for recreational uses. [Ord. 1170B, 2000]

**17.10.183 Public recreation.**

“Public recreation” means those recreation facilities developed and maintained by any department or branch of the federal, state or local government, or special purpose district created for the purpose of providing recreation facilities, and such facilities shall be used for public purposes. [Ord. 1170B, 2000]

**17.10.185 Public services.**

“Public services” include fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other governmental services. [Ord. 1170B, 2000]

**17.10.187 Public sewer.**

“Public sewer” means, for land use planning purposes, a system intended to dispose of sewage meeting the definition of LCC 8.40.040(36). [Ord. 1170B, 2000]

**17.10.189 Public water.**

“Public water” means, for land use planning purposes, a system or water supply intended or used for human consumption or other domestic uses, including source, treatment, storage, transmission, and distribution facilities; where water is furnished to any community, collection or number of individuals, or is made available to the public for human consumption or domestic use; and is managed by: a municipality or special purpose district; or any classification of water system that is deemed appropriate by state or local health department to serve the densities provided in the appropriate subarea comprehensive plan and attendant zoning regulations, and meets

engineering requirements consistent with the class and type of system in accordance with Chapters 246-290 to 246-295 WAC. [Ord. 1170B, 2000]

**17.10.191 Recreational vehicle.\***

“Recreational vehicle” means a motor vehicle, or portable structure capable of being transported on the highways by a motor vehicle, as regulated under Chapter 15.30 LCC. [Ord. 1170B, 2000] \*Note: see, below

**17.10.193 Recreational subdivision.\***

“Recreational subdivision” means a subdivision created for the purposes of providing private lots primarily for seasonal recreational use for camping or recreational vehicles, but not for permanent housing. [Ord. 1170B, 2000] \*Note: see, below.

**17.10.195 Recreational vehicle park.\***

“Recreational vehicle park” means a parcel of land in which two or more sites are primarily for occupancy by recreational vehicles for travel, recreation, or vacation uses. For mobile home parks, only spaces that are designated and/or are used for recreational vehicles shall constitute a recreational vehicle park as regulated under Chapter 15.30 LCC. For the purpose of these regulations, the term “recreational vehicle park” shall include camping clubs as defined in RCW 19.105.010. [Ord. 1170B, 2000] \*[Note: Ch. 16.14 LCC now governs recreational vehicle parks and subdivisions.]

**17.10.196 Recreation Areas.**

"Recreation Areas" are those areas: (a) within 5 air miles of national park/national forest; (b) within 1 air mile of Riffe Lake, Mayfield Lake, Mineral Lake, Carlysle Lake; (c) within ½ mile of the Cowlitz, Chehalis, Tilton, Skookumchuck, and Newaukum Rivers, and Lincoln and Winston Creeks, and (d) all State parks. [Ord. 1179, 2002]

**17.10.197 Reserve tract.**

When the lot clustering method of land division or subdivision is used, the “reserve tract” is that portion of a proposed division, subdivision, or short subdivision which is intended for agricultural, forestry, open space, or other future-approved development purposes. [Ord. 1170B, 2000]

**17.10.199 Residential unit.**

“Residential unit” means a single family dwelling unit intended for long-term human habitation and occupancy by a resident family. [Ord. 1170B, 2000]

**17.10.201 Resident.**

“Resident” means one who lives and usually works in the vicinity; not a visitor or transient. [Ord. 1170B, 2000]

**17.10.203 Resource uses.**

“Resource uses” are all primary and accessory uses defined in the County’s resource land ordinance, Ch. 17.30 LCC. [Ord. 1170B, 2000]

**17.10.205 Restaurant.**

“Restaurant” means an establishment where food and beverages are prepared and served for consumption either on or off premises. This term shall include cafes, coffee houses, cabarets, and dining rooms, but shall not include taverns. Restaurants may include cocktail lounge and facilities for dancing and live entertainment of patrons; provided that these activities are clearly accessory to food service; and provided further that these activities are not expressly prohibited in a specific zone. [Ord. 1170B, 2000]

**17.10.207 Reclamation.**

“Reclamation” means the process of reconverting disturbed lands to their former use or other compatible uses. [Ord. 1170B, 2000]

**17.10.208 Retirement and convalescent home.**

“Retirement and Convalescent Homes” is a residential arrangement where non-family members are brought together in a home or residential care facility, which does not require State licensing. (For facilities requiring State licensing, see “Group Home.”) [Ord. 1179, 2002]

**17.10.209 Road.**

“Road” means the entire width between the right of way lines of every way for vehicular traffic that has been dedicated, platted, or granted as an easement for that purpose on public or private lands. The term does not include alley, drainage easement, or path, but is intended to include the right(s) of way to which properties have vehicular access. [Ord. 1170B, 2000]

**17.10.211 Rooming house.**

“Rooming house” means any dwelling in which, for compensation, three or more persons, either individually or as families, are housed or lodged, with or without meals. A boarding house, lodging house, tourist home or furnished room house shall be deemed rooming houses. A rooming house with six or more sleeping units, occupied by transients, shall be deemed a hotel. [Ord. 1170B, 2000]

**17.10.213 Seat.**

“Seat” means, for purposes of determining the number of off-street parking spaces for certain uses, the number of seats; or the number of seating units installed or indicated; or each 24 lineal inches of benches, pews, or space for loose chairs. [Ord. 1170B, 2000]

**17.10.214 Setback.**

“Setback” means a distance from a fixed boundary, property line, or right of way as set forth in Title 17 LCC. A front setback is measured to the street or point of access. A



side setback is measured to an abutting property on the same street or access. A rear setback is the side of the structure away from the street or point of access, provided a structure may have two fronts, but only one rear and is measured to the nearest property line. [Ord. 1170B, 2000]

#### **17.10.215 Sign.**

“Sign” means any placard, billboard, display, messages, design, letters, symbols, light figure, illustration, set of pennants, or other device intended to identify, inform, advertise, or attract attention to any private or public premises, and placed mainly outdoors so as to be seen from any public or quasi-public place. Excluded from this definition are official traffic, directional, or warning devices; other official public notices; signs required by law; or flag of government or other noncommercial institution. [Ord. 1170B, 2000]

#### **17.10.217 Single-family dwelling.**

“Single-family dwelling” means a residential unit permanently installed and served with utilities. [Ord. 1170B, 2000]

#### **17.10.219 Site area.**

“Site area” means the measured square footage of any lot, tract, or parcel of land or contiguous lots for purposes of determining density. Site area shall include measurement to the center of public rights of way. [Ord. 1170B, 2000]

#### **17.10.221 Solid waste disposal facilities or sites.**

“Solid waste disposal facilities or a site” means the location where any final treatment, unitization, processing, or deposition of solid waste occurs in accordance with Chapters 8.20, 8.25 & 8.45 LCC. For the purposes of this ordinance, “interim solid waste handling sites” of the following types are included: transfer stations, baling and compaction sites, source

separation centers, and treatment sites. Drop boxes which provide the general public with containers to collect materials to be recycled and household hazardous waste collection stations for transfer elsewhere are excluded, but are defined as transitory solid waste facilities. For the purposes of this ordinance, three types of solid waste disposal facilities or sites are defined:

(1) Demolition materials, inert materials, and wood waste landfills.

(2) Sewage sludge when a unitization permit is issued by the Lewis county department of health in accordance with WAC 173-304-300, biosolids application when siting approval is given by the Lewis County department of health in accordance with Chapter 173-308 WAC, and any application site for compost which comes under Lewis County health department regulation and has received the appropriate permits.

(3) All other solid waste disposal facilities and sites of a permanent nature including, but not limited to, landfills, incinerators, and transfer stations, in accordance with Chapters 8.20, 8.25 & 8.45 LCC. [Ord. 1170B, 2000]

#### **17.10.223 Special use.**

“Special use” means a use permitted only after “public” review and approved by the hearing examiner, and to which “special” conditions may be attached by the hearing examiner to address mitigation requirements by reason of the specific location of a proposed use. [Ord. 1170B, 2000]

#### **17.10.225 Structure.**

“Structure” means anything constructed in or on the ground or water, or anything erected which requires location on the ground or water, or is attached to something having been constructed or located on or in the ground or water, requiring a permit under the State UBC or L&I standards, but

not including unroofed paved areas or fill, or any vehicle. [Ord. 1170B, 2000]

#### **17.10.227 Surface mining.**

“Surface mining” means the process or business of extracting materials, including but not limited to sand, gravel, shale, rock, coal, soil, peat, or clay, from an open excavation in the earth. This shall not include (1) excavation and grading at building construction sites where such construction is authorized by a valid building permit; or (2) excavation and grading in county road or state highway rights of way or in public or private streets for purposes of on-site road construction when the work has been authorized by the engineering division; or (3) excavation and grading for the purpose of developing ponds or manure lagoons where the amount excavated does not exceed 10,000 cubic yards and where the total time of material hauling does not exceed 45 calendar days; or (4) excavation and grading in connection with and at the site of any creek, river or flood control or storm-drainage channel for the purpose of enlarging the hydraulic capacity or changing the location or constructing a new channel or storm drain where such work has been approved by the Public Works Department; or (5) gravel bar scalping projects within the jurisdiction of the shoreline management program; or (6) minor excavation on less than three acres (cumulative) and less than 5000 yards of excavated material per year. The Administrator may be called upon to determine whether other activities similar to those identified fall within or without of the regulated activity. [Ord. 1170B, 2000]

#### **17.10.229 Truck stop.**

“Truck stop” means a service station, along with other facilities customarily used by commercial trucking operations during long trips, including truck washing, restaurants, and limited sleeping

accommodations. [Ord. 1170B, 2000]

#### **17.10.231 Unbuildable land.**

See “unsuitable land.”[Ord. 1170B, 2000]

#### **17.10.233 Unsuitable land.**

“Unsuitable Land” means land exposed to a condition that may cause a hazard on structures or human activity if the land in question is developed. Such lands include, but are not limited to: areas with slopes exceeding 15 percent when accompanied by additional erosion hazards as identified in LCC 17.35.920, 17.35.930, 17.35.940, and 17.35.950, such as unstable geologic formations, as indicated by soil survey and/or past experience of movement or settling of the land; soils of low or variable shear strength or load-bearing capacity; any slope in excess of 40%; major ground water recharge areas; or areas designated formally by a federal, state or county agency as flood hazard areas. [Ord. 1170B, 2000]

#### **17.10.235 Warehousing.**

“Warehousing” means facilities for storage of goods, machinery, and/or equipment in an enclosure. [Ord. 1170B, 2000]

#### **17.10.237 Wholesale trade.**

“Wholesale trade” means establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. [Ord. 1170B, 2000]

#### **17.10.239 Wireless communication facility.\***

“Wireless communication facility” means an unstaffed facility for the transmission and reception of radio or

microwave signals used for commercial communications. Wireless communication facilities are composed of two or more of the following components: antenna, support structure, equipment enclosure, or security barrier. [Ord. 1170B, 2000] \*[Note: Ch. 12.25 LCC also defines wireless communications facility.]

#### **17.10.241 Yard, front.**

“Front yard” means an open space on a lot, between the road right of way (front property line) and the requisite minimum front yard setback line. Where a lot lies at the corner of two or more roads, it shall have a front yard setback area extending back from each road right of way. If the exact location of the right of way is not known, it shall be assumed that the improved traveling surface of the road is in the center of the road right of way. If the width of the road right of way is not known, it shall be assumed to be the statutory 60 feet. If the road right of way is not known, it shall be assumed to be the statutory 60 feet. [Ord. 1170B, 2000]

#### **17.10.245 Yard, side.**

“Side yard” means one of two open spaces found on a typical lot, bounded by the front yard, rear yard, the side lot line and the building closest to the side lot line. [Ord. 1170B, 2000]

#### **17.10.243 Yard, rear.**

“Rear yard” means an open space on a lot, between the rear property line and the building closest to the rear property line. In the case of a lot with more than one road frontage and consequently two rear property lines, the rear yard shall be deemed to be the yard abutting the shorter rear property line; the other yard shall be treated as a side yard. In cases of doubt, the Administrator shall make the determination. [Ord. 1170B, 2000]

## **Chapter 17.12\***

### **PUBLIC PARTICIPATION PROGRAM**

#### **Sections:**

- 17.12.010 Title.
- 17.12.020 Statutory authority.
- 17.12.030 Applicability.
- 17.12.040 Statement of purpose.
- 17.12.050 Process and procedures.
- 17.12.060 Additional considerations.

#### **17.12.010 Title.**

The ordinance codified into this Chapter shall be known as the Public Participation Program. [Ord. 1179, 2002]

#### **17.12.020 Statutory authority.**

This ordinance is adopted pursuant to the provisions of Chapter 36.70A RCW. [Ord. 1179, 2002]

#### **17.12.030 Applicability.**

This chapter applies to long-range planning issues, including changes to the County comprehensive plan or development regulations, in proceedings not involving a hearing examiner. [Ord. 1179, 2002]

#### **17.12.040 Statement of purpose.**

Lewis County encourages public participation in the Growth Management process. The Public Participation Program is to help serve the public interest by detailing the overall process to facilitate public participation. [Ord. 1179, 2002]

#### **17.12.050 Process and procedures.**

##### **(1) The Initial Phase–Workshops.**

(a) At this phase a topic is introduced to the Planning Commission and the stage is set for an amendment of either the comprehensive plan or the development regulations. New topics may be identified by the public, through the amendment process by the Board of County

Commissioners or by the Planning Commission.

(b) The Planning Commission will hold a series of background workshops identifying the legal basis for the decisions to be considered, and proposals for specific modifications. The public is invited to observe the workshops, and the Commission will endeavor to provide adequate time at the end of the meetings for public comment or input. The workshops are not public hearings, and although members of the public may be allowed to comment on materials presented, or to identify new information or questions they may wish the Planning Commission to consider, it is important that such comments and information relate to the topics on the agenda. Requests for new agenda items must be made through the amendment process. The public may submit written comments on any agenda item, at any time.

(2) Phase 2—Planning Commission Hearings.

(a) Once the Planning Commission has completed the workshop portion of its program, it will publish a notice of public hearing and circulate a draft proposal for comment and public hearing.

(b) The draft proposal shall be made available to the public at least 15 days prior to the scheduled hearings. To facilitate public review, copies of the proposal with related materials and information shall be available at the Lewis County Planning Department and on-line at its web page, and at locations in the affected area. Such locations may include:

(i) Timberland Regional libraries (5) located at: Chehalis, Centralia, Salkum, Randle, and Winlock.

(ii) Lewis County Senior Centers (5) located at: Morton, Toledo, Twin Cities (Chehalis), Packwood, and Winlock

(c) Copies of the proposal shall also be sent to the state Office of Community Development for their 60-day review.

Materials shall also be sent to all incorporated cities and recognized tribes in the County; and to state, local, and federal agencies which have requested in writing that they receive copies of all notice materials.

(d) Notice of public hearings shall be published in the newspaper of record and in the newspaper of largest circulation in the area affected. The notice shall also be posted in locations of public interest as identified in the public notice provisions of LCC 17.05.100(2)(c) and any provisions of state law. Notices shall be published and posted not less than 10 days prior to the hearings and shall identify the time, place, and purpose of the hearings and the locations where information may be reviewed.

(e) Public hearings shall have three components:

(i) Staff summary of the materials presented;

(ii) Opportunity for public questions and questions from the Planning Commission; and

(iii) Opportunity for public testimony.

(f) During the public testimony portion of the program, witnesses are expected to address the matters on the agenda and not query staff or the Commission. Staff and the Commission will not comment or respond unless specifically invited by the witness. At the conclusion of testimony, a witness may be asked questions to clarify or focus their point. Testimony may be directed to the written proposal, either in favor or opposition, to changes the witness desires the County to consider, and to choices, alternatives, and environmental consequences of the proposed development.

(g) Speakers shall be drawn first from a sign up sheet which will be available at the entry as people enter the hearing hall. The Commission will then hear from others

who did not sign up, but who may wish to be heard, time permitting. The Chair, at his or her discretion, may provide reasonable limits on the time each speaker(s) may have, and may or may not permit a speaker to address the Commission a second time based on time available and the need to maintain an orderly public hearing.

(h) The public will generally be given one week after the final public hearing to deliver any final written comments to the Planning Commission.

(i) After public hearings, the Planning Commission shall conduct one or more workshops to consider the matters presented. The Planning Commission shall then make its recommendations to the Board of County Commissioners.

(3) Board of County Commissioner Hearings

(a) The Board of County Commissioners shall publish a notice of public hearing on the materials directed by the Planning Commission. Such materials shall be made available to the public in the same manner as the Planning Commission materials.

(b) The Board of County Commissioners will follow the same hearing-process format as the Planning Commission, with the same guidelines as set forth above; Except, that all written comments must be received by the Board of County Commissioners by the close of the public participation portion of their final public hearing, to be considered. The County shall consider both substantive and environmental issues.

(c) After the public hearing, the Board of County Commissioners may hold one or more workshops to consider matters raised during the hearings or in the writings submitted, and shall take such final action at a public hearing or meeting, as the Commission deems appropriate and in the public interest.

(4) The Record

The County will retain a running copy of all materials received or submitted during workshops and public hearings. The record shall identify, at the least:

(a) The time and date of the meeting;  
(b) The nature of the proceeding (e.g., workshop, public hearing);

(c) Subject(s) addressed;

(d) Persons addressing the subject(s), and

(e) Documents received during the proceedings.

Minutes shall be maintained concurrently and should be approved at the next scheduled meeting. [Ord. 1179, 2002]

#### **17.12.060 Additional considerations.**

(1) All related comprehensive plan amendments and development regulations are to be considered concurrently.

(2) To aid and assure public participation, and to assure consideration of cumulative impacts, the Board of County Commissioners may consider use of citizen advisory committees, technical panels, consultant teams or groups, individually or in concert where appropriate to aid community understanding and processing of GMA issues. No specific format is required, but the goal of public participation is to be encouraged. [Ord. 1179, 2002]

[\*Note: this chapter was adopted under Ord. No. 1179, originally enumerated as existing "Ch.17.15".]

## URBAN ZONES

### Chapter 17.15

#### URBAN GROWTH AREAS—CITIES

##### Sections:

- 17.15.010 Purpose.
- 17.15.020 Incorporation by reference.
- 17.15.025 Incorporation and administration by agreement.
- 17.15.030 Permitted uses.
- 17.15.040 Priority.

##### **17.15.010 Purpose.**

Purpose of this section is to incorporate the development regulations for the incorporated cities in Lewis County, and to apply such regulations in the urban growth area of that city. Such rules will facilitate the development of the urban areas in a manner consistent with the comprehensive plan of the city to which the UGA will ultimately be annexed. [Ord. 1170B, 2000]

##### **17.15.020 Incorporation by reference.**

Lewis County adopts by reference the comprehensive plan, development regulations, and any applicable development standards adopted by the cities within Lewis County. The purpose of this adoption is to apply the plans and regulations of each city to the applicable Urban Growth Area. The following documents are specifically adopted by reference as they exist now and as they may be amended from time to time by the applicable jurisdiction. Where the document makes specific reference to other sections of the City Code for substantive requirements applicable to a particular use or property, such references shall also be included.

##### (1) Chehalis

- (a) Comprehensive plan dated 7/12/99
- (b) Zoning code, Chapter 17 CMC
- (c) Development standards

##### (i) Building code-UBC 1997

(ii) Plumbing and mechanical code-UPC 1997; UMC 1997

##### (iii) Fire code-UFC 1997

(iv) Public works standards-Chapter 12 CMC

##### (A) Roads and bridges-

Chapter 12 CMC

##### (B) Sewers-Chapter 12 CMC

##### (C) Water-Chapter 12 CMC

##### (D) Storm sewers-Chapter

18.08 CMC

(v) Port of Chehalis comprehensive plan

(vi) Port of Chehalis development standards within the Port IDD areas

##### (2) Morton

(a) Comprehensive plan dated June 1997, Ord. #512

(b) Zoning code-June 1998, Ord. 523

(c) Development standards-April 1998, Ord. 525

(i) Building code-July 1998 (1997 edition) UBC

(ii) Plumbing and mechanical code-July 1998 (1997 edition) UBC

(iii) Fire code-July 1998 (1997 edition) UBC

(iv) Public works standards-April 98, Ord. 525, Level of service standards

(d) Critical areas and resource lands-1992, Ord. #448

(e) Land use map-6/23/97

##### (3) Mossyrock

(a) Growth management directory, Ord. 290, dated 6/13/96

(b) Development standards (currently being codified)

(i) Building code-1997 UBC

(ii) Plumbing and mechanical code-1997 Uniform Plumbing Code

(iii) Fire code-1997 Uniform Fire Code

(iv) Public works standards

##### (4) Napavine

(a) Comprehensive plan dated 1997, Ord. 248, originating ordinance

(b) Zoning code, NMC Chapter 167, dated 1989, Ord. 163, originating ordinance

(c) Critical areas ordinance, NMC Chapter 14, Ord. 202, originating ordinance

(d) Public works standards, originating ordinance 96, 1974, codified as NMC Chapter 15.04

(i) Building code-Ord. 176, 1990

(ii) Plumbing and mechanical code-Ord. 176, 1990

(iii) Roads & streets, NMC Chapter 12.04, Ord. 176, 1990

(iv) Sewer standards, NMC Chapter 13.08, Ord. 176, 1990

(v) Water standards, NMC Chapter 13.04, Ord. 166, 1990

(vi) Storm water standards, NMC Chapter 13.30, Ord. 264, 1998

(5) Pe Ell

(a) Comprehensive plan dated June 1997, Ord. 394

(b) Zoning code, dated July 1997, Ord. 395

(c) Development standards

(i) Building code-adopts Lewis County building code

(ii) Sewer & water, Ord. 378

(ii) Plumbing and mechanical code-1997 Uniform Plumbing Code

(iii) Fire code-1997 Uniform Fire Code

(iv) Public works standards

(6) Toledo

(a) Comprehensive plan, originating Ord. 590, 2/3/97

(b) Zoning code, originating Ord. 592, 7/7/97

(c) Critical areas & resource lands, originating Ord. 600, 3/6/98

(d) Land use zoning map, originating Ord. 590, 2/3/97

(e) SEPA, originating Ord. 593, 6/2/97

(f) Public works standards:

(i) Building code-Ord. 533, 5/15/90

(ii) Plumbing and mechanical code-Ord. 533, 5/15/90

(iii) Fire code-Ord. 533, 5/15/90

(iv) Roads standards/levels of service, Ord. 592, 7/7/97

(v) Sewer/water/storm water, Ord. 592, 7/7/97

(7) Winlock

(a) Comprehensive plan dated 6/30/97, Ord. 771.

(b) Zoning ordinance dated 4/71, Ord. 401.

(c) Development standards

(i) Building code-1997 UBC adopted 12/99 by Ord. 809.

(ii) Plumbing and mechanical code-1997 Uniform Plumbing Code.

(iii) Fire code-1997 Uniform Fire Code.

(iv) Public works Ord. 809, dated 12/99.

(v) Critical Areas adopted 10/92, Ord. 696. [Ord. 1179D §1, 2003; Ord. 1170B, 2000]

#### **17.15.025 Incorporation and**

##### **administration by agreement.**

Lewis County, in conjunction with an interlocal agreement, adopts the following comprehensive plan, development regulations, applicable development standards, and administrative procedures of the following city(ies) within Lewis County. The purposes of this adoption, in conjunction with an interlocal agreement between the county and the particular city, are to apply the particular plans, regulations and procedures of the county and/or a particular city, and to administer such plans, regulations and procedures by the particular city within its Urban Growth Area. The following plans, regulations and procedures of the county and/or the particular city are specifically adopted. Where the document makes specific reference to other sections of either a county code or the city code for

substantive and procedural requirements applicable to a particular use or property, such references shall also be included.

(1) Centralia Urban Growth Area.

(a) City of Centralia Comprehensive plan.

(b) Port of Centralia comprehensive plan.

(c) Development within the City of Centralia Urban Growth Area shall be governed by Lewis County policies and development regulations adopted for that area, and, where applicable, by the official zoning maps of the County; EXCEPT, that the following City and County regulations and procedures, as published in the Centralia Municipal Code (CMC) and the Lewis County Code (LCC), respectively, and together with any amendments noted below, are expressly adopted for purposes of this Chapter by this reference, as follows:

(i) Shoreline Master Program for Lewis County and Shoreline Substantial Development Permits and Exceptions under Chapter 17.25 LCC;

(ii) Critical Areas Ordinances, Chapter 17.35 LCC;

(iii) Title 20 CMC, City of Centralia Zoning Code, except as expressly pre-empted by referenced portions of the Lewis County Code, noted herein;

(iv) Permits under the Uniform Building Code, RCW Chapter 19.27 and CMC Chapter 18;

(A) Building code-1997 UBC;

(B) Plumbing and mechanical code-1997 Uniform Plumbing Code;

(C) Fire code - 1997 Uniform Fire Code;

(D) Public works standards- Design & Development Guidelines: Roads and bridges; Sewers; Water; and Storm sewers

(v) CMC Title 19 (Subdivision);

(vi) CMC Title 14 (Streets & sidewalks);

(vii) CMC Ch. 10.30 (Nuisances);

(viii) Development standards under City of Centralia Ord. No. 2003;

(ix) Titles 12 & 15 LCC, Telecommunications franchising and wireless communications;

(x) Title 17 LCC, Airport obstruction zone permits;

(xi) Ch. 16.04 CMC, for SEPA review, except where Title 17 LCC, SEPA review, is solely applicable. A city staffer shall be designated to perform the function of Responsible Official under SEPA

(d) Preliminary and final plats will be approved and signed by the Board of County Commissioners only after certification by the City that all elements for recording have been met.

(e) Appeals of any decision or issued by the City hereunder, to the extent it is appealable, shall be made to a Special Deputy Hearing Examiner under contract with the County, who for purposes of such appeal shall operate as the City Hearing Examiner. Such appeals shall be heard in City of Centralia facilities and conducted in accord with all procedures set forth therefore under County ordinances and regulations for hearings examiner actions. City staff shall present the case report and defend the action taken in conjunction with these appeals. All appeals from the Hearing Examiner shall be by LUPA petition under Ch. 36.70C RCW.

(i) For project permit decisions classified as either Type 2 and Type 3 decisions under Section 20.230.010, for designated City of Centralia Urban Growth Areas, a special deputy hearings examiner for Lewis County, established pursuant to Chs. 2.25 & 17.15 of the Lewis County Code and the Interlocal Cooperation Agreement on Urban Growth Areas between the City of Centralia and Lewis County, shall be the decision maker and appeal body in place of the City of Centralia Board of



Adjustment.

(ii) For Type 2 decisions under Section 20.240.020, for designated City of Centralia Urban Growth Areas, a special deputy hearings examiner for Lewis County, established pursuant to Chs. 2.25 & 17.15 of the Lewis County Code and the Interlocal Cooperation Agreement on Urban Growth Areas between the City of Centralia and Lewis County, shall be the decision maker and appeal body in place of the City of Centralia Board of Adjustment.

(iii) For Type 3 decisions under Section 20.240.030, for designated City of Centralia Urban Growth Areas, a special deputy hearings examiner for Lewis County, established pursuant to Chs. 2.25 & 17.15 of the Lewis County Code and the Interlocal Cooperation Agreement on Urban Growth Areas between the City of Centralia and Lewis County, shall be the decision maker and appeal body in place of the City of Centralia Board of Adjustment.

(f) Authority over Lewis County Board of Health regulations on potable water and on-site septic systems shall be retained by Lewis County. [Ord. 1179D §1, 2003]

#### **17.15.030 Permitted uses.**

(1) Land uses shall be controlled by the land use designation made in the adopted comprehensive plan, and any zoning map adopted pursuant thereto.

(2) Within each city UGA permitted uses are uses authorized pursuant to the adopted development regulations identified above; accessory uses, special uses, and limited uses shall be processed as provided in this chapter, but shall meet all standards and criteria established in the applicable city code for approval.

(3) Any land within a city UGA which is not designated in a land use map referenced above shall be:

(a) “Residential one unit per five acres” and treated as such within a long-

term growth area until such time as the city adopts specific land use designations for the property, for all property except property described in section (b) below. Residential one unit per five acres shall permit all residential uses permitted in Chapter 17.100 LCC, Rural Development District. All other uses shall be prohibited.

(b) “Public Institutional” for all property owned by:

(i) A municipal corporation organized under the laws of the State of Washington, including school districts, sewer and water districts, fire districts, library districts, or the federal, state, city or county; or

(ii) A public utility, including, power, transportation, communication or solid waste.

(iii) Public institutional properties permit all uses authorized by the adopted comprehensive plan of the public entity or utility owning the property. All such uses shall be processed through the binding site plan process. [Ord. 1170B, 2000]

#### **17.15.040 Priority.**

Unless otherwise specified below, the regulations of the appropriate city shall take precedence within that city’s UGA. In the event of any conflict, the substantive standards of the City will prevail. [Ord. 1170B, 2000]

## **Chapter 17.20**

### **URBAN GROWTH AREAS—COUNTY**

#### **Sections:**

- 17.20.010 Purpose.
- 17.20.015 Designation of industrial land banks
- 17.20.020 Permitted uses.
- 17.20.030 Application.
- 17.20.040 Complete application—vesting.
- 17.20.050 Process—master plan approval.
- 17.20.060 Special criteria for approval.

#### **17.20.010 Purpose.**

The purpose of this section is to provide guidelines for the planning and development of the urban growth areas in the County which are or may be designated as urban growth areas, but which are not associated with a specific city. Included in this section are all uses identified as New Fully Contained Communities, RCW 36.70A.350; Master Planned Resorts, RCW 36.70A.360; Major Industrial Developments, RCW 36.70A.365; Major Industrial Developments - Master Planned Developments, RCW 36.70A.367. [Ord. 1170B, 2000]

#### **17.20.015 Designation of industrial land banks.**

(1) Consistent with the requirements of RCW 36.70A.367, a bank of up to two master planned locations for major industrial activity outside an urban growth area may be designated within Lewis County. Prior to such designation and consistent with the Lewis County Comprehensive Plan, the County finds that the following specific criteria shall be used in reviewing any application for any master planned location/ Industrial Land Bank designation:

(a) Only two sites shall be designated as consistent with RCW 36.70A.367.

(b) In addition to meeting the requirements of RCW 36.70A.367(2)&(8), any site proposed for designation under that section shall:

(i) Be located adjacent to or within ten miles of a city or urban growth area;

(ii) Contain large, developable lots or parcels of a size not readily available within cities or urban growth areas, consistent with RCW 36.70A.367(8);

(iii) Require that at least 50% of the industries locating within the Industrial Land Bank be either rail-dependant or dependant on an interstate highway for transportation needs.

(iv) Locate in an area with sufficient infrastructure or in an area where necessary infrastructure can be readily and efficiently provided;

(v) Locate in an area not overly constrained by resource land or critical area constraints,

(c) No master planned location shall be mapped or otherwise designated until such time as all the requirements of this Chapter have been met and approval has been granted by the Board of County Commissioners.

(d) The County has identified two potentially suitable areas: The TransAlta Steam Plant area, and the area at the intersection of I-5 and Highway 12/rail corridor area. This identification does not preclude consideration of alternative locations meeting the criteria, provided, however, that no more than two master planned major industrial sites shall be designated under provisions of this section. [Ord. 1179B Ex. B, 2003]

#### **17.20.020 Permitted uses.**

(1) A property designated in the comprehensive plan for one of the specific uses identified above may only be used for the purposes listed in the specific applicable section of the Act, as listed above. Only one

section shall apply to any designated property, unless otherwise detailed in the master plan.

(2) Specific permitted uses on the property shall be detailed through the master plan process described below and the master plan shall become the subarea plan and development code for the property, identifying uses, standards and procedures for approval, consistent with the intent and purpose of the GMA section under which it is approved. Ord. 1170B, 2000]

#### **17.20.030 Application.**

The proponent of any specific proposal shall submit an application with the information required below. The application must be signed by the owners of at least 50% of the property subject to the plan. The application shall identify:

(1) The owner or owners of the property to be planned, which shall be the entire parcel designated in the comprehensive plan.

(2) The legal description of the property to be planned—the entire designated parcel, together with each separate ownership within the development area.

(3) A map or series of maps at a scale of 1" = 500 feet or as approved by the Administrator which shows:

(a) Boundaries of the designated area.

(b) Boundaries of individual ownerships.

(c) Dedicated rights of ways or easements over, across, or under the property.

(d) Existing roads, highways, and driveways abutting the site and within one-half mile of the site.

(e) Property ownerships within one-half mile of the site.

(f) Wells within the development area or within 1,000 feet of the boundary of the site, which are used for domestic use or identified through well log or water right

records.

(g) A general identification and location of all critical areas on the site or within 1,000 feet of the site and the specific identification of all Type 1, 2, and 3 streams under WDF&W criteria, and any streams or water bodies subject to jurisdiction under Chapter 90.58 RCW, the State Shoreline Management Act.

(h) A land use plan map showing planned land use categories and areas, circulation, critical area buffers and open space.

(4) A phasing plan which shows the proposed phases for development and how the phases are designed to assure the overall coordinated development of the site and its integration into the surrounding community.

(5) An environmental checklist (programmatic) or a request to proceed directly to scoping under SEPA. Any environmental review shall provide special studies, which address:

(a) On-site and off-site critical areas, issues, protection, and mitigation.

(b) Transportation—Present facilities and upgrades if required, new facilities and phasing, on-site and off-site impact and mitigation required.

(c) Water, Wastewater, Stormwater Facilities in place, facilities necessary to serve the new development by phase, and potential impact on off-site facilities, critical areas, or water resources. [Ord. 1170B, 2000]

#### **17.20.040 Complete application—vesting.**

Upon receipt of an application and the payment of the prescribed fee in the County fee schedule, the County shall, within 28 days, issue a letter of completeness or identify the specific information required for a complete application. If no letter is sent, the application shall be deemed complete upon the 29th day after receipt of the application. If a letter is sent, the

application shall be deemed complete upon receipt of the information identified in the letter. If the applicant does not submit the necessary information in writing to complete an application within a 90-day period, the County shall make findings and issue a decision that the application is rejected. If the County rejects an application, all vesting rights are lost. [Ord. 1170B, 2000]

#### **17.20.050 Process-master plan approval.\***

(1) Once environmental review is complete, the application shall be noted for one consolidated public hearing before the hearings examiner as an application for a master plan-rezone, and before the Planning Commission as an application for amendments to the comprehensive plan and development regulations. As anticipated in RCW 36.70A.365(3) and .367(4), amendments to the comprehensive plan and development regulations under LCC 17.20.050 shall be separate from the annual comprehensive plan amendment process specified in LCC 17.12.

(2) Once the application is complete and the environmental documents are completed, the County shall provide notice of the consolidated public hearing by publishing notice of the hearing not less than 10 days prior to the hearing and mailing notice to all property owners of record within 1,000 feet of the site. The County staff report and supporting materials shall be available to the public at the time of publication and mailing of the notice.

(3) In the consolidated hearing, the hearings examiner shall hold an open record hearing with respect to the master plan. In the consolidated public hearing, the Planning Commission shall hold a hearing with respect to amendments to the comprehensive plan and development regulations. Following the consolidated public hearing, the hearings examiner and Planning Commission shall deliberate and

make their recommendations to the Board of County Commissioners with respect to the master plan and amendments to the comprehensive plan and development regulations.

(4) The final decision on the master plan and on the amendments to the comprehensive plan and development regulations shall be made by the Board of County Commissioners after the consolidated public hearing. The Board may accept, modify, or reject the recommendation of the hearings examiner and Planning Commission. Once adopted, the comprehensive plan and development regulations shall identify the zoning map and development regulations for the master plan area. A master plan may be amended through the same process as the original adoption. Any adopted development regulation shall become a map and separate chapter of the County zoning ordinance.

(5) Amendment to the comprehensive plan and development regulations to support a master plan is a legislative process with appeal pursuant to Chapter 36.70A RCW. Adoption of the site plan approval evidenced in the master plan is adjudicative under Chapter 36.70B RCW, with appeal pursuant to Chapter 36.70C RCW. [Ord. 1179G, § 1, 2004; Ord. 1170B, 2000]

\*[Subject to WWGMHB ruling of Invalidity, 2005]

#### **17.20.060 Special criteria for approval.**

The hearings examiner shall, in addition to any other findings required by law, make specific written findings on each of the following items:

(1) For new fully contained communities as outlined in RCW 36.70A.350.

(a) Infrastructure, including transportation, waste water disposal, water service, school, fire and public safety must be capable of meeting demand, as it occurs in the planned community. A voluntary agreement may substitute for construction of necessary improvements to meet adequacy

requirements, if local service providers approve, in writing and the program is adopted into the approved master plan as a condition of approval.

(b) The master plan identifies and provides for internal and external links to implement transit-oriented site planning and traffic demand management programs. The master plan shall identify how such programs are implemented and conform with regional transportation plans.

(c) The master plan shall identify and develop buffers to separate the master planned community from potentially incompatible but lawful rural area uses, and from adjoining urban areas, if any, or rural area residential developments.

(d) The master plan shall provide a phasing plan to include a mix of uses within the community to provide jobs, housing, and services to the residents of the new community. The phasing plan shall provide assurance that the community will develop with a balance of residential, commercial, and other uses.

(e) The master plan shall provide for a mix of residential uses, which may include attached and detached single-family units, duplexes, triplexes and four plexes, apartments, flats, and cottages, as well as senior housing, including assisted living, congregate and intense care facilities. A fully contained community should address at least four different types of housing in a variety of markets.

(f) The environmental documents shall identify and designate on site, and off site to the extent necessary, all environmental considerations, and specifically but not limited to all critical areas which may be affected by the proposed development, and the steps taken to avoid, or minimize the impact to the extent possible, and to mitigate the potential impacts where such impacts are unavoidable. The master plan shall contain a specific section addressing critical areas

and shall provide covenants within the community assuring the critical area protection as required by the county critical area regulations, Chapter 17.35 LCC.

(g) The water and waste water facilities developed for the master planned facility shall not be used or available outside the boundaries of the fully contained community, to assure that the new community will not foster urban growth outside the boundaries of the approved site. The county may establish other specific limitations through the master plan review process to assure that such urban development does not occur.

(h) The master plan shall identify resource lands in the vicinity of the community which may be affected by the community and identify mechanisms by which such resource lands, and the activities thereon are to be protected so as not to diminish the productivity of the resource land, nor render more difficult or expensive the resource activity, including planting, maintaining, harvesting, extraction processing and transportation, as appropriate on designated resource lands.

(i) Development in proposed fully planned communities shall be limited to uses permitted in remote rural lands until the master plan is approved as provided in this section.

(2) For master planned resorts as outlined in RCW 36.70A.360.

(a) A master planned resort means a self-contained and fully integrated planned unit development, in a setting of significant natural amenities, with primary focus on destination resort facilities consisting of short-term visitor accommodations associated with a range of developed on-site indoor or outdoor recreational facilities.

(b) Capital facilities, utilities, and services, including those related to sewer, water, storm water, security, fire suppression, and emergency medical, provided on-site shall be limited to meeting

the needs of the master planned resort. Such facilities, utilities, and services may be provided to a master planned resort by outside service providers, including municipalities and special purpose districts, provided that all costs associated with service extensions and capacity increases directly attributable to the master planned resort are fully borne by the resort. A master planned resort and service providers may enter into agreements for shared capital facilities and utilities, provided that such facilities and utilities serve only the master planned resort or urban growth areas.

(c) A master planned resort may include other residential uses within its boundaries, but only if the residential uses are integrated into and support the on-site recreational nature of the resort.

(d) The master plan shall include institutional controls to preclude new urban or suburban land uses in the vicinity of the master planned resort, except in areas otherwise designated for urban growth under RCW 36.70A.110.

(e) That the resort plan is consistent with the development regulations established for critical areas.

(f) On-site and off-site infrastructure and service impacts are fully considered and mitigated.

(3) For new major industrial developments as outlined in RCW 36.70A.365.

(a) New infrastructure is provided directly or by agreement.

(b) Transit-oriented site planning and traffic demand management programs are implemented consistent with regional transportation and transit plans.

(c) Buffers are provided between the major industrial development and adjacent nonurban areas used or potentially used for residential or non-commercial purposes.

(d) Environmental protection including critical area protection and air and water quantity and quality and mitigation

has been addressed and provided for.

(e) Covenants are approved to ensure that urban growth will not occur in adjacent nonurban areas, including but not limited to a prohibition against extension of public facilities to non-site use, or creation of needed additional commercial service areas to serve the site.

(f) Provision is made to mitigate adverse impacts on designated agricultural lands, forest lands, and mineral resource lands.

(g) The plan for the major industrial development is consistent with the County's development regulations established for protection of critical areas.

(h) The applicant demonstrates that the primary uses are for developments which cannot be developed in city UGA's and that covenants are in place to assure protection of the larger sites. At least 50% of the land area in major industrial developments must be set aside in planning blocks to serve primary and accessory uses and necessary support which cannot be facilitated in city UGA's due to size, noise, traffic, or other identified conditions.

(i) An inventory of developable land has been conducted and the County has determined and entered findings that land suitable to site the major industrial development is unavailable within the urban growth area.

(4) For major industrial developments in master planned locations as outlined in RCW 36.70A.367:

(a) New infrastructure, including transportation, waste water disposal, water service, school, fire and public safety must be capable of meeting demand, as it occurs in the planned industrial development. The facilities may be provided directly or by agreement.

(b) The master plan identifies and provides for internal and external links to implement transit-oriented site planning and traffic demand management programs. The

master plan shall identify how such programs are implemented consistent with regional transportation and transit plans.

(c) The master plan shall identify and develop buffers to separate the master planned industrial development from potentially incompatible but lawful rural area uses, and from adjoining urban areas, if any.

(d) The environmental documents shall identify and designate on site, and off site to the extent necessary, all environmental considerations, and specifically but not limited to all critical areas which may be affected by the proposed development, and the steps taken to avoid, or minimize the impact to the extent possible, and to mitigate the potential impacts where such impacts are unavoidable. The master plan shall contain a specific section addressing critical areas and shall provide covenants within the community assuring the critical area protection as required by the county critical area regulations, Chapter 17.35 LCC. The master plan shall provide for both air shed and noise shed analysis for industries choosing to locate within the master planned area. The environmental documents shall identify background noise levels and potential areas of noise sensitivity. Washington State noise standards, WAC 173-60 shall be applicable to the master plan and the point of compliance for residential noise levels shall be the boundary of the master plan and any land designated Rural Development District or other adjoining zone under the County code. The point of compliance for industrial to industrial shall be the boundary of the master plan and any area designated long-term commercially significant resource lands. Washington Air Pollution guidelines and regulations, as adopted or enforced by the Southwest Washington Air Pollution Control Authority\* shall be specifically incorporated into the master plan.

(e) The water and waste water facilities developed for the master planned facility shall not be used or available outside the boundaries of the master planned industrial development, to assure that the new development will not foster urban growth outside the boundaries of the approved site. The county may establish other specific requirements so that such urban development does not occur.

(f) The County shall, as part of the master plan approval process, identify specific uses identified as primary uses within the master planned area, and shall require an inventory of developable lands within the county and data to support a written finding that lands suitable to serving the target uses for the proposed major industrial development is not available within the Urban Growth Area of any city in the County. Priority in processing applications shall be given to sites in proximity to urban areas, or areas which have access to urban levels of service in the form of water and wastewater treatment.

(g) Master plans shall identify and set aside 50% of the land area in planning blocks designed to serve primary and accessory and necessary support to the major users targeted to the site which cannot be facilitated in city UGAs due to size, noise, traffic, or other identified conditions and for which other land is not available within the urban area. The master plan shall also identify others uses which are compatible with and necessary to assure full development of the site, including accessory and support uses which may require significantly less land, and which shall be sited or located to assure protection of the primary purpose of the master plan. A small commercial services area may be developed in connection with such master plan, including fueling, convenience retail, business office needs, but such facilities shall not exceed 5% of the overall land available in the master planned area and

shall not begin development until at least targeted major use or user has commenced construction.

(h) Development within the designated master planned location shall mitigate adverse impacts and shall be limited to uses permitted on resource lands until a master plan is approved as provided in this section.

(5) Once the master plan is approved, the master plan provides the new development regulations for the industrial site. Uses within the Industrial Land Bank shall be consistent with the proposed industrial development. Interim, non-industrial uses may be approved provided that such uses do not preclude industrial development or redevelopment and provided that such uses are generally harmonious with anticipated industrial development. Such regulations shall make provision to assure the long-term protection of agricultural activities on both permanent open spaces, as well as properties held for noise sheds, air sheds, and long-range future development. [Ord. 1179B Ex. B, 2003; Ord. 1179, 2002; Ord. 1170B, 2000] \*[Note: redesignated as the Southwest Washington Clean Air Authority (SWCAA)]

## **MAJOR INDUSTRIAL DEVELOPMENT**

### **Chapter 17.21**

#### **FLOAT GLASS MANUFACTURING FACILITIES**

##### **Sections:**

- 17.21.005 Finding: No suitable site in urban growth area - inventory.
- 17.21.010 Purpose.
- 17.21.020 Permitted uses.
- 17.21.030 Provision for infrastructure, facilities and services.
- 17.21.040 Transit-oriented site planning and traffic demand management programs.
- 17.21.050 Buffers from non-urban areas.
- 17.21.060 Environmental protection.
- 17.21.070 Protection of non-urban lands.
- 17.21.080 Mitigation of adverse impacts on resource lands.
- 17.21.090 Consistency with County critical area regulations.

##### **17.21.005 Finding: No suitable site in urban growth area - inventory.**

An extensive review and inventory of developable lands demonstrates that there is no suitable site in any Lewis County Urban Growth Area appropriate for siting a specific Major Industrial Development for a float glass manufacturing plant. A suitable site can be designated outside of an Urban Growth Area pursuant to RCW 36.70A.365. [Ord. 1179H §1, 2004]

##### **17.21.010 Purpose.**

These regulations implement Policy 5 of the Countywide Planning Policies which calls for the development of industries to be encouraged in cities as well as those areas



outside urban growth areas which satisfy the requirements set forth RCW 36.70A.365, and implement Lewis County Comprehensive Plan Policy LU 8.3 which calls for the designation of Major Industrial Developments – Master Planned Locations at certain specified locations outside of designated Urban Growth Areas pursuant with RCW 36.70A.365. The purpose of this zone is to provide guidelines for development in the specific Major Industrial Development for a float glass manufacturing plant and to ensure that the development in this zone does not create a need for urban services in the rural area or lead to urban development in rural areas. [Ord. 1179H §1, 2004]

#### **17.21.020 Permitted uses.**

(1) Permitted uses for this Major Industrial Development are a float glass manufacturing plant, all pollution control structures, and associated delivery, distribution, processing and employee services including, without limitation, water and natural gas pipelines, electrical substations, tanks, towers and related facilities, railroad lines and switches, exhaust stacks, and on-site roads and parking and future transit facilities.

(2) Development of the Major Industrial Development for float glass manufacturing facilities is through the Master Plan process provided in LCC 17.20. [Ord. 1179H §1, 2004]

#### **17.21.030 Provision for infrastructure, facilities and services.**

The LCC 17.20 Master Plan approval shall assure that all new infrastructure is provided for, directly or by agreement, by a condition from the Examiner requiring the applicant to be responsible for all costs of new infrastructure; provided, however, this requirement does not preclude use of state or federal programs that fund portions of infrastructure to facilitate economic

development and needed community facilities. The County may accept the Applicant's voluntary pro-rata contributions for any County road improvements identified by the environmental documents prepared for this Major Industrial Development. Urban governmental services may be provided to this Major Industrial Development so long as such services are not connected to uses in non-urban areas unless such connections are consistent with state law and the Lewis County Comprehensive Plan and have been approved by Lewis County. Without limitation, water and natural gas pipelines and electric power lines and facilities, and railroad tracks may cross non-urban areas to serve this specific Major Industrial Development. [Ord. 1179H §1, 2004]

#### **17.21.040 Transit-oriented site planning and traffic demand management programs.**

The Master Plan approved under LCC 17.20 for this Major Industrial Development shall include a condition from the Examiner requiring implementation of transit oriented site-planning and traffic demand management programs at the level and timing appropriate for this specific Major Industrial Development. [Ord. 1179H §1, 2004]

#### **17.21.050 Buffers from non-urban areas.**

To further protect adjacent non-urban lands, the Master Plan approved under LCC 17.20 for this Major Industrial Development shall include the buffers and setbacks included in the Application, as amended, including the stipulation that the south boundary of the Master Plan will be north of Olequa Creek and that the area of Olequa Creek and the associated wetlands be protected by a covenant or easement prohibiting all development therein. Except for the electrical substation, no buildings shall be permitted in the setbacks or buffers.

Berms, walls, the rail spur, roads and utilities may be placed in the buffers and setbacks. [Ord. 1179H §1, 2004]

#### **17.21.060 Environmental protection.**

Environmental protection issues including air quality, water quality, and water quantity are addressed by mitigation measures included in the Final Environmental Project Statement (FEIS) published on July 14, 2004. To further protect air quality, the project shall obtain air quality permits from the Washington State Department of Ecology (“Ecology”) and the Southwest Washington Clean Air Agency (“SWCAA”). To further protect water quality and quantity, any groundwater withdrawn for this specific Major Industrial Development shall require necessary permits from Ecology or the Lewis County Water Conservancy Board. To further protect water quality and quantity, stormwater shall be managed as required by LCC 15.45; provided, however, stormwater management for this specific Major Industrial Development shall be designed for the 100 year, 24 hour storm event.

#### **17.21.070 Protection of non-urban lands.**

(1) By operation of state law, the site of any Major Industrial Development approved under this title becomes an unincorporated Urban Growth Area, but surrounding lands will remain designated rural and those surrounding lands may potentially be designated in part as Resource Lands. The following measures assure the protection of such lands from urban growth:

(a) This specific Major Industrial Development is consistent with the uses authorized in RCW 36.70A.365.

(b) No new water facility or wastewater facility shall be extended to uses outside the boundaries of this specific Major Industrial Development (except where such services must extend through the rural or resource areas between this Major Industrial

Development and another urban growth area) unless such extensions are consistent with state law and the Lewis County Comprehensive Plan and have been approved by Lewis County.

(c) No boundary change to this Major Industrial Development site shall be made without an amendment to the Comprehensive Plan Land Use Map consistent with the requirements of RCW 36.70A.365 and LCC 17.20. [Ord. 1179H §1, 2004]

#### **17.21.080 Mitigation of adverse impacts on resource lands.**

This specific Major Industrial Development has no adverse impact on any adjacent or nearby Resource Lands. [Ord. 1179H §1, 2004]

#### **17.21.090 Consistency with County critical area regulations.**

The Master Plan for this specific Major Industrial Development is consistent with County regulations established for the protection of critical areas. [Ord. 1179H §1, 2004]